

## **SUBCHAPTER 3A - ADMINISTRATION**

### **SECTION .0100 - GENERAL ADMINISTRATION**

#### **19A NCAC 03A .0101 ORGANIZATION: COMMISSIONER OF MOTOR VEHICLES**

*History Note:* Authority G.S. 20-1; 20-3; 20-39;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991; February 1, 1982;  
Repealed Eff. December 1, 1993.

#### **19A NCAC 03A .0102 RECIPROCITY**

#### **19A NCAC 03A .0103 RECIPROCAL PROVISIONS**

*History Note:* Authority G.S. 20-1; 20-4.1 through 20-4.12; 20-4.18 to 20-4-20;  
Eff. July 1, 1978;  
Repealed Eff. February 1, 1982.

#### **19A NCAC 03A .0104 LEGAL PROCESS**

*History Note:* Authority G.S. 1-105; 1-105.1; 20-1; 20-39;  
Eff. July 1, 1978;  
Amended Eff. February 1, 1982;  
Repealed Eff. December 1, 1993.

#### **19A NCAC 03A .0105 GENERAL INFORMATION**

The following is general information about the Division of Motor Vehicles:

- (1) The mailing address is 3101 Mail Service Center, Raleigh, North Carolina 27697-3101.
- (2) The physical location is 1515 North Church Street, Rocky Mount, North Carolina 27804.
- (3) The web page address is [www.ncdmv.gov](http://www.ncdmv.gov).

*History Note:* Authority G.S. 20-1; 20-2;  
Eff. November 1, 2021.

### **SECTION .0200 - MOTOR CARRIERS OF MIGRATORY FARM WORKERS**

#### **19A NCAC 03A .0201 DEFINITIONS**

#### **19A NCAC 03A .0202 QUALIFICATIONS OF OPERATORS**

#### **19A NCAC 03A .0203 DRIVING OF MOTOR VEHICLES**

#### **19A NCAC 03A .0204 ACCESSORIES NECESSARY FOR SAFE OPERATION**

#### **19A NCAC 03A .0205 HOURS OF SERVICE OF DRIVERS: MAXIMUM DRIVING TIME**

#### **19A NCAC 03A .0206 INSPECTION AND MAINTENANCE OF MOTOR VEHICLES**

#### **19A NCAC 03A .0207 LIGHTING EQUIPMENT**

#### **19A NCAC 03A .0208 BRAKES**

#### **19A NCAC 03A .0209 WARNING DEVICES**

#### **19A NCAC 03A .0210 EMERGENCY EQUIPMENT: SUPPLIES: ETC.**

#### **19A NCAC 03A .0211 EXHAUST SYSTEM**

#### **19A NCAC 03A .0212 FIRST AID EQUIPMENT AND SUPPLIES**

#### **19A NCAC 03A .0213 REAR VIEW MIRROR**

#### **19A NCAC 03A .0214 STEERING MECHANISM**

#### **19A NCAC 03A .0215 DIRECTIONAL SIGNALS**

#### **19A NCAC 03A .0216 WINDSHIELD WIPER: WINDSHIELD: SIDE AND REAR GLASSES**

#### **19A NCAC 03A .0217 PENALTIES: VIOLATION OF REGULATIONS A MISDEMEANOR**

#### **19A NCAC 03A .0218 MOTOR VEHICLES TRANSPORTING MIGRATORY FARM WORKERS**

*History Note:* Authority G.S. 20-1; 20-4.1; 20-7; 20-9; 20-10; 20-122.1; 20-124; 20-125.1; 20-127(a),(c); 20-129; 20-131; 20-154(b); 20-215.1; 20-215.2; 20-215.4; 20-215.5;  
Eff. July 1, 1978;  
Amended Eff. February 1, 1982;  
Repealed Eff. November 1, 1991.

## **SUBCHAPTER 03B - DRIVER LICENSE SECTION**

### **SECTION .0100 - GENERAL INFORMATION**

#### **19A NCAC 03B .0101 PURPOSE**

This Section provides information on the following:

- (1) the four tests that may be required of an applicant for a driver's license;
- (2) the medical evaluation program;
- (3) driving records;
- (4) classified driver's license.

*History Note:* Authority G.S. 20-1; 20-7(a) to (e); 20-9; 20-15; 20-17.1; 20-24; 20-26; 20-27; 20-39; 111-28;  
Eff. July 1, 1978;  
Amended Eff. June 5, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03B .0102 DEFINITIONS**

*History Note:* Authority G.S. 20-4.01; 20-7(c);  
Eff. July 1, 1978;  
Amended Eff. June 5, 1981;  
Repealed Eff. July 1, 1982.

#### **19A NCAC 03B .0103 FORMS**

*History Note:* Authority G.S. 20-7; 20-39;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991; June 5, 1981;  
Repealed Eff. November 1, 2021.

<b>19A NCAC 03B .0104</b>	<b>RE-EXAMINATION FOR TRAFFIC VIOLATIONS</b>
<b>19A NCAC 03B .0105</b>	<b>RE-EXAMINATION MAY BE REQUIRED</b>
<b>19A NCAC 03B .0106</b>	<b>SPECIAL OPERATOR'S LICENSE</b>
<b>19A NCAC 03B .0107</b>	<b>TEMPORARY LEARNER'S PERMITS</b>
<b>19A NCAC 03B .0108</b>	<b>DESCRIPTION</b>
<b>19A NCAC 03B .0109</b>	<b>MINORS</b>
<b>19A NCAC 03B .0110</b>	<b>DUPLICATE LICENSE FEE</b>
<b>19A NCAC 03B .0111</b>	<b>EXEMPTIONS FROM LICENSE REQUIREMENTS</b>
<b>19A NCAC 03B .0112</b>	<b>AGE LIMITS</b>
<b>19A NCAC 03B .0113</b>	<b>PERSONS NOT TO BE LICENSED</b>
<b>19A NCAC 03B .0114</b>	<b>ADDRESS CHANGE</b>
<b>19A NCAC 03B .0115</b>	<b>PUBLIC PASSENGER DRIVER'S AGE LIMIT</b>
<b>19A NCAC 03B .0116</b>	<b>CANCELLATION FOR INCORRECT INFORMATION</b>
<b>19A NCAC 03B .0117</b>	<b>SPECIAL IDENTIFICATION CARD</b>
<b>19A NCAC 03B .0118</b>	<b>FORMS ON FILE</b>

*History Note:* Authority G.S. 20-1; 20-7; 20-7.1; 20-7(f),(l),(n); 20-8(1) to (7); 20-9(a) to (f); 20-10; 20-11(a) to (c); 20-12; 20-15(a),(b); 20-29.1; 20-37.1; 20-37.7(a) to (h);  
Eff. July 1, 1978;  
Repealed Eff. June 30, 1981.

#### **19A NCAC 03B .0119 FEE FOR DRIVER IMPROVEMENT CLINIC**

*History Note:* Authority G.S. 20-1; 20-16(c); 20-16(e); 20-39;  
Eff. October 1, 1982;  
Amended Eff. November 1, 1991;  
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.

### **SECTION .0200 - DRIVER'S LICENSE ISSUANCE**

#### **19A NCAC 03B .0201 DRIVER'S LICENSE EXAMINATION AND ONLINE RENEWAL**

(a) The Division shall issue a driver's license to any person who is eligible under G.S. 20 and completes the following requirements:

- (1) The Knowledge Examination, which is an automated computer examination that tests the applicant's knowledge of rules of the road. An audio component allows applicants with reading comprehension difficulties to listen to the test questions by use of earphones. Eighty percent of the questions shall be answered correctly to pass. For the issuance of a remote renewal, the requirement of a knowledge examination shall be waived.
- (2) The Road Sign Examination, which tests the applicant's knowledge of highway signs and their meanings. Applicants for a regular Class C license shall correctly identify 9 of 12 road signs. Applicants for A or B licenses shall correctly identify all road signs. For the issuance of a remote renewal, the requirement of the road signs test shall be waived.
- (3) The Visual Acuity Test, which examines an applicant's visual ability to identify letters or symbols from a specific distance. The applicant's vision shall be 20/40 or better in at least one eye to receive an unrestricted license. A license shall be restricted to require corrective lenses if acuity is less than 20/40 in either eye or both eyes together.
- (4) The Road Test, which measures the applicant's ability to operate a motor vehicle safely in actual traffic situations. The required maneuvers are: quick stop, turnabout, backing, approach corner, right turns, left turns, traffic lights, use of vehicle operating equipment, starts, use of lanes, use of brakes, following, and paying attention. Pass or failure is based upon the applicant's ability to execute the required maneuvers. The test is scored by the driver license examiner. For the issuance of a remote renewal, the requirement of a road test shall be waived.
- (5) The Remote Renewal allows drivers to remotely renew a driver's license by mail or electronic device. Eligible applicants who wish to renew remotely by electronic means, may go to [www.ncdot.gov/dmv](http://www.ncdot.gov/dmv) and submit responses to a series of automated questions that guide applicants through the online renewal process. A driver's license issued by remote renewal expires in accordance with G.S. 20-7(f)(6)c.
- (6) The Attestation supports application for a remote renewal to affirm the following as part of the remote renewal process:
  - (A) The applicant is a resident of North Carolina;
  - (B) The license holder's name as it appears on the license to be renewed has not changed;
  - (C) All information provided during the application for a remote renewal has been provided truthfully;
  - (D) The applicant knows of no change in his or her vision since the last time the applicant passed the visual acuity test in Subparagraph (a)(3) of this Rule that would impair the applicant's ability to safely drive a motor vehicle; and
  - (E) That no change in physical or mental abilities has occurred since the last issuance.
- (7) If the applicant has an existing DMV photo on file, no additional photographs are required and the requirements in G.S. 20-7(n)(4) shall be waived for a remote renewal.
- (8) Upon completion of the remote renewal process, the license shall be renewed if all criteria in G.S. 20-7 are met. The applicant shall use the current license for all driver license purposes until the license becomes invalid for some other reason, or receipt of the new license card.

(b) The tests contained in Paragraph (a) of this Rule shall be administered as follows:

- (1) Applicants applying for a driver's license for the first time shall complete the full examination to include the knowledge examination, road signs test, visual acuity test, and road test. Applicants in this Subparagraph are not eligible to apply for remote renewal.
- (2) Applicants seeking to renew a valid, unexpired North Carolina driver's license shall complete the road signs test and visual acuity test, unless the applicant is renewing remotely. Applicants possessing a previously issued North Carolina driver's license, expired less than two years, shall complete the road signs test and visual acuity test. An applicant shall attest during the application for a remote driver license renewal that the applicant knows of no change in his or her vision as set out in Part (a)(6)(D) of this Rule.
- (3) Applicants possessing a previously issued North Carolina driver's license expired greater than two years shall complete the full examination, to include the knowledge examination, road signs test, visual acuity test, and road test. Applicants in this Subparagraph are not eligible to apply for remote renewal.
- (4) Applicants seeking to transfer their current driver's license from another state or applicants possessing a driver's license issued by another state that is expired less than two years shall complete the road signs test and visual acuity test. Applicants in this Subparagraph are not eligible to apply for remote renewal.
- (5) Applicants with a driver's license issued by another state, expired more than two years, shall complete the full examination, to include the knowledge examination, road signs test, visual acuity test, and road test. Applicants in this Subparagraph are not eligible to apply for remote renewal.

*History Note:* Authority G.S. 20-2; 20-7(a),(c),(f); 20-39; s. 34.8(a), 34.8(b);  
Eff. July 1, 1978;  
Amended Eff. May 4, 2015; May 1, 2014; December 1, 1993; July 1, 1982; June 5, 1981;  
Emergency Amendment Eff. July 22, 2020 to expire pursuant to S.L. 2020-97, s. 3.20, expiration extended  
pursuant to S.L. 2021-13;  
Readopted Eff. November 1, 2021.

**19A NCAC 03B .0202 MEDICAL CONDITION REFERRAL**  
**19A NCAC 03B .0203 MEDICAL REVIEW BOARD**

*History Note:* Authority G.S. 20-1; 20-9(a) to (h); 20-9(1) to (4); 20-9(4)(a) to (h); 20-15; 20-17.1(a) to (f); 111-28;  
Eff. July 1, 1978;  
Repealed Eff. June 30, 1981.

**SECTION .0300 - MEDICAL EVALUATION**

**19A NCAC 03B .0301 ACUTE OR CHRONIC ILLNESSES**

*History Note:* Authority G.S. 20-2(b); 20-9; 20-17.1;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991; June 5, 1981;  
Repealed Eff. November 1, 2021.

**19A NCAC 03B .0302 NEGLIGENT DRIVERS**  
**19A NCAC 03B .0303 DRIVER IMPROVEMENT CLINIC**  
**19A NCAC 03B .0304 MANDATORY SUSPENSION**  
**19A NCAC 03B .0305 NONCOMPLIANCE**  
**19A NCAC 03B .0306 CHEMICAL TEST REFUSAL**  
**19A NCAC 03B .0307 REVOCATIONS**  
**19A NCAC 03B .0308 DRIVING WHILE LICENSE REVOKED OR SUSPENDED**  
**19A NCAC 03B .0309 PREARRANGED SPEED COMPETITION**  
**19A NCAC 03B .0310 WILLFUL SPEED COMPETITION**  
**19A NCAC 03B .0311 MOTOR VEHICLE CONVICTION IN ANOTHER STATE**  
**19A NCAC 03B .0312 PRIVILEGE TO DRIVE**  
**19A NCAC 03B .0313 LICENSE PICKED UP BY COURT**  
**19A NCAC 03B .0314 APPEAL TO COURT**

**19A NCAC 03B .0315    RESTORATION FEE**  
**19A NCAC 03B .0316    FORMS ON FILE**  
**19A NCAC 03B .0317    HABITUAL OFFENDERS**

*History Note:*    Authority G.S. 20-1; 20-4; 20-4.20; 20-7; 20-7(i)(l); 20-9; 20-16(a)(2); 20-16(a)(4) to (10); 20-16(a)(7); 20-16(a)(10a); 20-16(a)(11); 20-16(c); 20-16(d); 20-16.1; 20-16.2; 20-16.2(a)(1 to 4); 20-16.2(b) to (h); 20-16.3; 20-17.1; 20-17(1) to (4), (6) to (8); 20-19(d) to (f); 20-23; 20-23.1; 20-23.2; 20-24; 20-25; 20-28; 20-28.1; 20-141.3(a),(b),(e); S.L. 1977, c. 243;  
Eff. July 1, 1978;  
Repealed Eff. June 30, 1981.

**SECTION .0400 - RECORDS**

**19A NCAC 03B .0401    CONVICTIONS REPORTED BY COURT**  
**19A NCAC 03B .0402    OUT OF STATE VIOLATION**

*History Note:*    Authority G.S. 20-1; 20-24(a) to (d); 20-26(a);  
Eff. July 1, 1978;  
Repealed Eff. June 30, 1981.

**19A NCAC 03B .0403    DRIVING RECORDS**

*History Note:*    Authority G.S. 20-1; 20-26(b),(c); 20-39;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; November 1, 1991; July 1, 1982;  
Repealed Eff. November 1, 2021.

**19A NCAC 03B .0404    RECORDS AVAILABLE TO PUBLIC**

*History Note:*    Authority G.S. 20-1; 20-27;  
Eff. July 1, 1978;  
Repealed Eff. June 30, 1981.

**SECTION .0500 - FORMS**

**19A NCAC 03B .0501    FORMS: DRIVER SERVICES SECTION**  
**19A NCAC 03B .0502    FORMS ON FILE**

*History Note:*    Authority G.S. 20-1; 20-3;  
Eff. July 1, 1978;  
Repealed Eff. June 30, 1981.

**SECTION .0600 - CLASSIFIED DRIVERS' LICENSE**

**19A NCAC 03B .0601    GENERAL INFORMATION**

Where provisions of this Section .0600 (Classified Drivers' License) may be in conflict with the provisions of Section .0700 (Commercial Drivers' License) or those of 19A NCAC 03J (Rules and Regulations Governing the Licensing of Commercial Truck Driver Training Schools and Instructors), the provisions of Section .0700 and those of 19A NCAC 03J will prevail.

*History Note:*    Authority G.S. 20-7; 20-39; S.L. 1979, c. 667, s. 40;  
Eff. June 5, 1981;  
Amended Eff. December 1, 1993; November 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

**19A NCAC 03B .0602 GROSS VEHICLE WEIGHT**

(a) Gross vehicle weight shall be the actual weight of a vehicle as may be determined by weighing the vehicle at a permanent weigh station or by use of portable scales provided, however, that for the purposes of Article 2 of G.S. 20 the registered weight of the vehicle shall be considered the gross weight.

(b) Gross vehicle weight of motor vehicles bearing permanent registration plates or other plates for which no weight is required to be shown on the registration card shall be the actual scale weight of the vehicle provided, however, for the purposes of Article 2 of G.S. 20 the gross vehicle weight of any single motor vehicle so registered having three axles or more and designed as a property hauling vehicle shall be deemed to be over 30,000 pounds.

(c) The gross vehicle weight of a towed vehicle shall be the actual scale weight of the vehicle.

*History Note: Authority 20-39; S.L. 1979, c. 667, s. 40;  
Eff. June 5, 1981;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

**19A NCAC 03B .0603 COMPANY ADMINISTERED ROAD TEST AND CERTIFICATION**

*History Note: Authority G.S. 20-7(c); 20-39;  
Eff. June 5, 1981;  
Amended Eff. December 1, 1993; July 1, 1981;  
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.*

**19A NCAC 03B .0604 DEFINITIONS**

*History Note: Authority G.S. 20-4.01; 20-7(c); 20-321;  
Eff. July 1, 1982;  
Amended Eff. December 1, 1993;  
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.*

**19A NCAC 03B .0605 REQUEST FOR PROGRAM APPROVAL**

**19A NCAC 03B .0606 COMPANY CERTIFICATION CRITERIA**

**19A NCAC 03B .0607 COMPANY CERTIFICATION**

*History Note: Authority G.S. 20-7(c);  
Eff. July 1, 1982;  
Repealed Eff. December 1, 1993.*

**19A NCAC 03B .0608 COMPANY ROAD TEST CERTIFICATE**

**19A NCAC 03B .0609 COMPANY OR EXAMINER CHANGE IN STATUS**

*History Note: Authority G.S. 20-7(c); 20-39;  
Eff. July 1, 1982;  
Amended Eff. December 1, 1993;  
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.*

**19A NCAC 03B .0610 REPORTS BY COMPANY OR ITS EMPLOYEES**

**19A NCAC 03B .0611 COMPANY EXAMINER REQUIREMENTS AND DUTIES**

*History Note: Authority G.S. 20-7(c);  
Eff. July 1, 1982;  
Repealed Eff. December 1, 1993.*

**19A NCAC 03B .0612 ROAD TESTING OF COMPANY EMPLOYEES FOR CLASSIFIED LICENSE**

**19A NCAC 03B .0613 REVOCATION OR SUSPENSION OF A COMPANY OR COMPANY EXAMINERS**

**19A NCAC 03B .0614 APPLICATION FOR COMMERCIAL SCHOOL OR COMMUNITY COLLEGE**

<b>19A NCAC 03B .0615</b>	<b>CRITERIA: COMMERCIAL SCHOOL OR COMMUNITY COLLEGE APPROVAL</b>
<b>19A NCAC 03B .0616</b>	<b>APPROVAL: COMMERCIAL SCHOOL: COMMUNITY COLLEGE INSTRUCTORS</b>
<b>19A NCAC 03B .0617</b>	<b>COMMERCIAL SCHOOL: EMPLOYEE RECERTIFICATION REQUIREMENTS</b>
<b>19A NCAC 03B .0618</b>	<b>ADVERTISING BY SCHOOLS</b>
<b>19A NCAC 03B .0619</b>	<b>INSPECTION OF SCHOOLS</b>
<b>19A NCAC 03B .0620</b>	<b>GROUND FOR REVOCATION OR DENIAL/CERT. OF A CO./LICENSING OF A SCHOOL</b>
<b>19A NCAC 03B .0621</b>	<b>DENIAL/REVOCATION: COMPANY EXAMINER: SCHOOL INSTRUCTOR</b>

*History Note:* Authority G.S. 20-7; 20-7(c); 20-39; 20-321; 20-322; 20-323; 20-324; S.L. 1979, Ch. 667, s. 40; Eff. July 1, 1982;  
Amended Eff. January 1, 1994; December 1, 1993;  
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.

## **SECTION .0700 - COMMERCIAL DRIVERS' LICENSE**

### **19A NCAC 03B .0701 GENERAL INFORMATION**

(a) The purpose of the rules in this Section is to establish policies and procedures to permit persons other than employees of the North Carolina Division of Motor Vehicles to conduct the skills test required of commercial driver license applicants.  
(b) Authority to administer skills tests will be granted only to Third Party Testers under agreement with the North Carolina Division of Motor Vehicles and utilizing Third Party Examiners recognized and deemed qualified by the North Carolina Division of Motor Vehicles.

*History Note:* Authority G.S. 20-37.22;  
Eff. September 1, 1990;  
Amended Eff. December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

### **19A NCAC 03B .0702 DEFINITIONS**

The following definitions shall apply for purposes of the rules of this Section:

- (1) "Division" means the North Carolina Division of Motor Vehicles.
- (2) "Commissioner" means the North Carolina Commissioner of Motor Vehicles.
- (3) "CDL" means Commercial Drivers License.
- (4) "FHWA" means the Federal Highway Administration.
- (5) "FMCSR" means the Federal Motor Carrier Safety Regulations promulgated by the U.S. Department of Transportation as set forth in 49 CFR Part 383, Subparts F, G, and H, which are hereby incorporated by reference, including subsequent amendments and editions, and can be found at no cost at [www.fmcsa.dot.gov/regulations](http://www.fmcsa.dot.gov/regulations).
- (6) "Approved Testing Program" means the skills tests as required by FMCSR that is administered by a Third Party Tester.
- (7) "Tester Certificate" means the document issued to a Third Party Tester authorizing him or her to administer the approved testing program on behalf of the Division.
- (8) "Third Party Tester" means a government entity, association, educational institution, or business entity engaged in the use of commercial motor vehicles, licensed by the Division to administer the approved testing program for CDL applicants in accordance with these Rules.
- (9) "Third Party Examiner" means an individual who is a payroll employee of a Third Party Tester and who has been issued an examiner certificate to conduct the skills tests required for a CDL.

*History Note:* Authority G.S. 20-37.22;  
Eff. September 1, 1990;  
Readopted Eff. November 1, 2021.

### **19A NCAC 03B .0703 REQUIREMENTS FOR THIRD PARTY TESTERS**

(a) To be certified as a Third Party Tester a person must:

- (1) apply in accordance with Rule .0706 of this Section and enter into an agreement with the Division in accordance with 49 CFR 383.75;
  - (2) maintain a place of business with at least one occupied structure within the state of North Carolina;
  - (3) have at least one certified Third Party Examiner in its employ;
  - (4) allow FHWA, its representatives, and the Division to conduct random examinations, inspections, and audits without prior notice;
  - (5) allow the Division to conduct periodic, but at least annual on-site inspections;
  - (6) maintain at each third party testing location, for a minimum of two years, a record of each driver for whom the Third Party Tester conducts a skills test, whether the driver passes or fails the test. Each such record shall include:
    - (A) the complete name and address of the driver;
    - (B) the driver's social security number, driver's license number, and the name of the state or jurisdiction that issued the license held by the driver at the time of the test;
    - (C) the date the driver took the skills test;
    - (D) the test score sheets showing the results of the test;
    - (E) the name and identification number of the Third Party Examiner conducting the skills test;
    - (F) the record of all receipts and disbursements;
    - (G) the make, model, and registration number of the commercial motor vehicles used to conduct the testing; and
    - (H) the written contract or copy, if applicable, with any person or group of persons being tested.
  - (7) maintain at each approved testing location, a record of each Third Party Examiner in the employ of the Third Party Tester at that location. Each record shall include:
    - (A) a valid Examiner Certificate indicating the Examiner at that location;
    - (B) a copy of the Third Party Examiner's current driving record, that shall be updated annually; and
    - (C) evidence that the Third Party Examiner is a payroll employee of the Third Party Tester.
  - (8) retain all Third Party Examiner records for at least two years after the Third Party Examiner leaves the employ of the Third Party Tester;
  - (9) ensure that the skills tests are conducted in accordance with the requirements of this Section;
  - (10) provide documented proof through electronic means provided through a portal by the American Association of Motor Vehicle Administrators for each driver applicant who has taken and passed the required skills tests as set forth in G.S. 20-37.13(a)(3). The driver applicant will then present themselves to the Division and skills test scores will be verified through electronic means provided through a portal by AAMVA as evidence that they successfully passed the driving tests administered by the Third and;
  - (11) to maintain certification the Third Party Tester must administer skills tests to a minimum of 10 different driver annually in accordance with the requirements of 49 CFR383.75(c), which is hereby incorporated by reference including subsequent amendments and editions and can be found at no cost at [www.fmcsa.dot.gov/regulations](http://www.fmcsa.dot.gov/regulations).
- (b) In addition to the requirements listed in Paragraph (a) of this Rule, all Third Party Testers who are not governmental entities or associations must:
- (1) Truck and Bus Companies:
    - (A) employ at least 25 full-time, part-time, or seasonal North Carolina commercial motor vehicle licensed drivers;
    - (B) employ an individual who is responsible for the organization's third party testing operation; and
    - (C) have been in operation in North Carolina a minimum of six months. If the truck or bus company has been in operation less than six months under the current company name, the company shall identify previous company names to cover the six-month period.
  - (2) Educational Institutions have a commercial motor vehicle training program in operation in North Carolina for a minimum of six months.

*History Note:* Authority G.S. 20-37.13; 20-37.22;  
 Eff. September 1, 1990;  
 Amended Eff. August 1, 1994; December 1, 1993;  
 Readopted Eff. November 1, 2021.

## **19A NCAC 03B .0704 REQUIREMENTS FOR THIRD PARTY EXAMINERS**



(a) Third Party Examiners may conduct skills tests on behalf of only one Third Party Tester at any given time. If a Third Party Examiner leaves the employ of a Third Party Tester he or she must reapply to conduct tests on behalf of a new Third Party Tester.

(b) To qualify as a Third Party Examiner, an individual must:

- (1) apply on a form provided and sent to the applicant via email by the Division as set forth in Rule .0707 of this Section;
- (2) be a payroll employee of the Third Party Tester;
- (3) possess a valid North Carolina Driver's License with classification and endorsements required for operation of the class and type of commercial motor vehicle used in the skills tests conducted by the Examiner;
- (4) have completed the Third Party Examiner CDL Training Course conducted by the Division. At a minimum upon completion of the training the Third Party Examiner shall have acquired and demonstrated the following knowledge and skills:
  - (A) understanding of G.S. 20 Article 2C and the rules adopted pursuant thereto;
  - (B) knowledge of the CDL testing procedures and forms;
  - (C) ability to administer and complete all forms without errors for the CDL skills test; and
  - (D) knowledge of testing site and route requirements.
- (5) take part in all Division required advanced training courses, workshops and seminars;
- (6) within 10 years prior to application have had no convictions for Driving While Impaired (DWI);
- (7) within five years prior to application have had no driver's license suspensions, revocations, cancellations, or disqualifications;
- (8) be at least 21 years of age; and
- (9) conduct skills tests on behalf of the Third Party Tester, in accordance with these Rules and in accordance with current instructions provided by the Division.

*History Note:* Authority G.S. 20-37.13; 20-37.22;  
Eff. September 1, 1990;  
Amended Eff. August 1, 1994; December 1, 1993;  
Readopted Eff. November 1, 2021.

#### **19A NCAC 03B .0705 CERTIFICATES**

(a) A certificate shall be issued allowing the Third Party Tester to operate an approved testing program to give skills tests to applicants for a CDL as provided in Rule .0703 of this Section.

(b) An examiner certificate shall be issued to Third Party Examiners of the Third Party Tester as provided in Rule .0704 of this Section.

(c) A copy of the Examiner's Certificate shall be displayed in the office of the Third Party Tester. The Examiner's certificate shall be effective on the date of issuance and remain in effect unless the Examiner surrenders the certificate to the Division or until the certificate has been revoked or cancelled by the Division as provided in Rule .0716 of this Section.

(d) The certificate issued by the Division to operate a Third Party Testing Program shall be effective on the date of issuance and shall be displayed in the place of business of the Third Party Tester until cancelled or revoked as provided in Rule .0716 of this Section.

(e) A certificate to operate a Third Party Testing program shall be non-transferable.

*History Note:* Authority G.S. 20-37.13; 20-37.22;  
Eff. September 1, 1990;  
Readopted Eff. November 1, 2021.

#### **19A NCAC 03B .0706 APPLICATION FOR THIRD PARTY TESTER CERTIFICATION**

(a) Before any certificate is issued to a Third Party Tester, an application shall be made in writing to the Division on a form prepared and emailed to the applicant by the Division. The application shall include the information of the Third Party Tester applicant:

- (1) the official name, address, and telephone number of the principal office or headquarters;
- (2) name, title, address, and telephone number of the individual who has been designated the applicant's contact person;

- (3) description of the type of organization that is applying that can include a governmental entity, association, motor carrier, or educational institution, as well as the length of time the organization has been in business in North Carolina, if applicable;
- (4) a description of the vehicle fleet owned or leased by the applicant, including a complete equipment roster as listed for insurance purposes;
- (5) the class of testing for which the applicant is applying;
- (6) the total number of North Carolina licensed drivers employed to operate commercial motor vehicles, and the number of such drivers who are full-time, part-time, and seasonal;
- (7) the name, driver's license number, social security number, and home address of those payroll employees who wish to be approved as Third Party Examiners; and
- (8) proof of the Third Party Tester meets the insurance requirements as stated in Rule .0714(a) – (d) and set forth in G.S. 20-37.22.

(b) The address of each North Carolina location where the applicant intends to conduct the skills tests as well as a description of the off-road facilities including a map, drawing, or written description of the road test route that will be used for the on-road portion of the skills test.

(c) Educational institutions shall submit with their application a description of their facilities, equipment, and training curriculum. The number of applications for the previous year and the percent graduated must also be included.

(d) An applicant for a certificate for a Third Party Tester shall also execute an agreement form provided via email by the Division in which the applicant agrees, at a minimum, to comply with applicable CFRs, G.S. 20-37.13, and the rules of this Section for Third Party Tester, including audit procedures.

*History Note:* Authority G.S. 20-37.13; 20-37.22;  
Eff. September 1, 1990;  
Amended Eff. December 1, 1993;  
Readopted Eff. November 1, 2021.

#### **19A NCAC 03B .0707 APPLICATION FOR THIRD PARTY EXAMINER CERTIFICATION**

Application for an Examiner Certificate shall be made on a form emailed by the Division. The form shall contain the following information of the Third Party Examiner applicant:

- (1) the full name, home and business address, and telephone numbers;
- (2) the driving history, including class of current license and any endorsements, and restrictions;
- (3) the name, address, and telephone number of the applicant's employer who has applied for or received a certificate as a Third Party Tester; and
- (4) the employer's recommendation of the applicant for and examiner certificate, as well as proof that the applicant is a payroll employee.

*History Note:* Authority G.S. 20-37.13; 20-37.22;  
Eff. September 1, 1990;  
Readopted Eff. November 1, 2021.

#### **19A NCAC 03B .0708 ADVERTISING**

(a) No advertising shall indicate in any way that a program can issue or guarantee the issuance of a commercial driver's license or imply that the program can in any way influence the Division in the issuance of a commercial driver's license or imply that preferential or advantageous treatment from the Division can be obtained.

(b) No advertising shall show a telephone number unless it also shows a valid address for the principal place of business for the Third-Party Tester.

(c) Third Party Tester may state in advertising that it has been approved and certified by the Division.

*History Note:* Authority G.S. 20-37.22;  
Eff. September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03B .0709 ON-SITE INSPECTIONS AND AUDITS**

- (a) All applicants for a Third Party Tester Certificate shall permit the FHWA or the Division to inspect and audit its operations, facilities, and records as they relate to its Third Party Testing program, for the purpose of determining whether the applicant is qualified to be certified.
- (b) Third Party Testers who have been certified shall permit the Division or FHWA to periodically inspect and audit its Third Party Testing program to determine whether it remains in compliance with the certification requirements as provided in Rule .0706 of this Section;
- (c) The Division and FHWA shall perform inspections and audits with or without prior notice to the Third Party Tester.
- (d) Inspections and audits shall include an examination of:
  - (1) records relating to Third Party Testing program;
  - (2) evidence of compliance with the FMCSRs;
  - (3) skills testing procedures practices and operations;
  - (4) vehicles used for testing;
  - (5) qualifications of Third Party Examiners;
  - (6) effectiveness of the skills test program by either testing a sample of drivers who have been issued skills test certificates by the Third Party Tester or having Division employees take the skills tests from a Third Party Examiner; and
  - (7) Any Third Party Tester's operation that the Division determines is necessary to verify that the Third Party Tester meets the requirements for the certification as set forth in Rule .0703 of this Section.
- (e) The Division shall prepare a written report of each inspection and audit report of the results of each inspection and audit. A copy of the report shall be provided to the Third Party Tester.

*History Note:* Authority G.S. 20-37.13; 20-37.22;  
Eff. September 1, 1990;  
Amended Eff. December 1, 1993;  
Readopted Eff. November 1, 2021.

#### **19A NCAC 03B .0710 NOTIFICATION REQUIREMENTS**

- (a) Third Party Tester must:
  - (1) Notify the Division in writing 30 days prior to any change in the Third-Party Tester's name or address.
  - (2) Notify the Division in writing within ten days of any change in:
    - (A) The Third-Party Examiners who are employed by the Third-Party Tester; and
    - (B) The driving status of any Third-Party Examiner.
  - (3) Notify the Division in writing within ten days of any of the following occurrences:
    - (A) The Third-Party Tester ceases business operations in North Carolina.
    - (B) The Third-Party Tester fails to comply with any of these Division requirements.
    - (C) Any Third-Party Examiner receives notice from the Division of their license suspension, revocation, disqualification, or cancellations or DWI conviction.
    - (D) Any Third-Party Examiner fails to comply with any of these Division requirements.
  - (4) Be recertified if a Third-Party Tester ceases operation and reopens for business.
  - (5) Be reinspected prior to administering road tests if a Third-Party Tester's business address changes.
  - (6) Request and obtain approval from the Division of any proposed changes in the skills test route, test content, or examiner/administrative procedures.
- (b) Third Party Examiners shall notify the Division within ten days of leaving the employ of the Third-Party Tester and must be recertified by the Division before testing elsewhere.

*History Note:* Authority G.S. 20-37.22;  
Eff. September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03B .0711 EVALUATION OF APPLICANTS BY THE DIVISION**

- (a) In order to determine whether a Third Party Tester applicant meets the certification requirements set forth in Rule .0703 of this Section, the Division shall review the materials submitted in accordance with Rule .0706 of this Section and shall schedule an on-site inspection and audit of the applicant's program.

(b) In order to determine whether a Third Party Examiner applicant meets the certification requirements as set forth in Rule .0704 of this Section, the Division shall review the materials submitted in accordance with Rule .0707 of this Section to include the applicant's driving record, qualification questionnaire, and certificate of training.

*History Note:* Authority G.S. 20-37.13; 20-37.22;  
Eff. September 1, 1990;  
Readopted Eff. November 1, 2021.

#### **19A NCAC 03B .0712 CERTIFICATION BY THE DIVISION**

(a) Upon successful application and evaluation, a Third-Party Tester will be issued a certificate which must be prominently displayed at the approved testing facility giving them the authority to administer a Third-Party Testing program for the classes and types of vehicles listed.

(b) Upon successful application, evaluation and training, a Third-Party Examiner will be issued a certificate which must be prominently displayed at the approved testing facility giving him/her the authority to conduct skills tests for the classes and types of commercial motor vehicles listed.

(c) Certificates will remain valid until canceled by the Division or voluntarily relinquished by the Third-Party Tester or Examiner.

*History Note:* Authority G.S. 20-37.22;  
Eff. September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03B .0713 PROFESSIONAL CONDUCT**

(a) No examiner, employee, or agent of the Third-Party Tester will be permitted to accompany any Commercial Driver License applicant into any examining office rented, leased, or owned by the Division for the purpose of taking a written or skills test driver examination given by the Division.

(b) No examiner, employee, or agent of the Third-Party Tester will be permitted to personally solicit any individual on the premises rented, leased, or owned by the Division for the purpose of enrolling that individual in any Third Party Testing program.

*History Note:* Authority G.S. 20-37.22;  
Eff. September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03B .0714 INSURANCE REQUIREMENTS**

(a) All Third-Party Testers shall maintain bodily injury and property damage liability insurance on motor vehicles used in driving tests, insuring the liability of the testing program, the Examiner and any person taking tests in the amount required by state law.

(b) Evidence of such insurance coverage, in the form of a certificate from the insurance carrier, shall be filed by the Tester with the Division. The certificate shall stipulate that the insurance contract carried by the Tester provides for cancellation only upon 30 days prior written notice to the Division. The certificate shall include the make, model, year and motor or serial number of every vehicle covered by the policy.

(c) When a vehicle is added to, exchanged or deleted from coverage under a fleet insurance plan, the Third-Party Tester shall provide the Division a copy of a policy rider issued by the insurance carrier showing the addition or exchange, with complete descriptions of the vehicles involved.

(d) If the Third-Party Tester is self-insured, an appropriate certificate shall be filed with the Division.

*History Note:* Authority G.S. 20-37.22;  
Eff. September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03B .0715 TEST ADMINISTRATION**

(a) Skills tests shall be conducted strictly in accordance with the provisions of these requirements and with current test instructions provided by the Division. Such instructions may include information on skills test content, route selection/revision, test forms, examiner procedures, and administrative procedures and/or changes.

(b) Skills test shall be conducted:

- (1) On test routes approved by the Division.
- (2) In a vehicle that is representative of the class and type of vehicle for which the CDL applicant seeks to be licensed and for which the Third Party Examiner is qualified to test.
- (3) Using Division approved content, forms, and scoring procedures.

*History Note: Authority G.S. 20-37.22;  
Eff. September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03B .0716 DENIAL/TERMINATION OF THIRD PARTY TESTING PROGRAM/CERTIFICATION**

(a) The Division may deny any application for a Third-Party Tester or Examiner's Certificate, if the applicant does not qualify for the certificate under provisions of these Rules. Misstatements or misrepresentation may be grounds for denying a certificate.

(b) Any Third-Party Tester or Examiner may relinquish certification upon 30 days notice to the Division.

(c) The Division may revoke the certificate of a Third-Party Tester or Examiner upon the following grounds:

- (1) Failure to comply with or satisfy any of the provisions of these Rules, the Division instructions or the Third-Party Tester Agreement;
- (2) Falsification of any record or information relating to the Third-Party Testing program;
- (3) Commission of any act which compromises the integrity of the Third-Party Testing program;
- (4) For Third Party Examiner: driver license suspension, revocation, cancellation, or disqualifications; and
- (5) For Third Party Examiner: conviction of driving while impaired (DWI);
- (6) Possessing more than one license;
- (7) Having a physical impairment that in the judgment of the Division would impair his ability to safely operate a motor vehicle of the class required to certify others.

(d) If the Division determines that grounds for cancellation exist for failure to comply with these Rules or the Third-Party Tester Agreement, the Division may postpone cancellation and allow the Third Party Tester or Examiner 30 days to correct the deficiency.

(e) If Third Party Examiner or Tester is alleged to be in violation of any provisions of these Rules, the Examiner or Tester:

- (1) Shall be notified by registered or certified mail;
- (2) May request a hearing. The request must be within ten days of receipt of the registered or certified letter; and
- (3) May be represented by counsel.

(f) Upon completion of the hearing, the Division shall notify the Third-Party Tester or Examiner within ten days of its decision which may be appealed.

(g) Recertification will be required if any Third-Party Tester or Examiner, or Third-Party Tester's or Examiner's certification is revoked or cancelled.

*History Note: Authority G.S. 20-37.22;  
Eff. September 1, 1990;  
Amended Eff. December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **SECTION .0800 - GROSS VEHICLE WEIGHT RATING (GVWR)**

##### **19A NCAC 03B .0801 DEFINITION**

*History Note: Authority G.S. 20-37.22;  
Eff. July 1, 1992;  
Repealed Eff. November 1, 2021.*

## **SUBCHAPTER 03C - VEHICLE REGISTRATION SECTION**

### **SECTION .0100 - GENERAL INFORMATION**

#### **19A NCAC 03C .0101 PURPOSE**

*History Note:* Authority G.S. 20-4.01 through 20-4.12; 20-37.6; 20-39; 20-42; 20-44 through 20-53; 20-54 through 20-58; 20-58.4 through 20-58.10; 20-63.1; 20-64 through 20-79.3; 20-80 through 20-81; 20-81.2 through 20-81.7; 20-83 through 20-88; 20-88.1; 20-94; 20-95; 20-109.1; 20-114; 20-116; 20-118; 20-279; 20-286; 20-294; 20-309 through 20-319; 20-347; 14-401.4; 105-164.3(16); 105-164.4(1); 105-164; 105-314;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; February 1, 1982;  
Repealed Eff. May 1, 2021.

#### **19A NCAC 03C .0102 FORMS**

The forms used by the Division of Motor Vehicles to administer the functions described in the rules of this Section are available from the the Division of Motor Vehicles, 1100 New Bern Avenue, Raleigh, North Carolina 27697 or online at [www.ncdot.gov/dmv](http://www.ncdot.gov/dmv).

*History Note:* Authority G.S. 20-1; 20-39; 20-41;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991; February 1, 1982;  
Readopted Eff. May 1, 2021.

<b>19A NCAC 03C .0103</b>	<b>EXEMPT FROM TITLE FEES BUT SUBJECT TO REGISTRATION</b>
<b>19A NCAC 03C .0104</b>	<b>APPLICATION FOR REGISTRATION AND CERTIFICATE OF TITLE</b>
<b>19A NCAC 03C .0105</b>	<b>REQUIREMENTS FOR REGISTRATION OF NEW VEHICLE</b>
<b>19A NCAC 03C .0106</b>	<b>DEALER REGISTRATION OF NEW VEHICLE</b>
<b>19A NCAC 03C .0107</b>	<b>REGISTRATION: OUT-OF-STATE REGISTERED VEHICLE</b>
<b>19A NCAC 03C .0108</b>	<b>BONDS FILED WHEN PROPER PROOF OF OWNERSHIP NOT AVAILABLE</b>
<b>19A NCAC 03C .0109</b>	<b>CUSTOM BUILT MOTOR VEHICLES AND TRAILERS</b>
<b>19A NCAC 03C .0110</b>	<b>MOTOR HOMES: HOUSE CARS AND CAMPING VEHICLE</b>
<b>19A NCAC 03C .0111</b>	<b>IDENTIFICATION OF OWNER OR APPLICANT</b>
<b>19A NCAC 03C .0112</b>	<b>IDENTIFYING ADDRESS AND CHANGE OF ADDRESS</b>
<b>19A NCAC 03C .0113</b>	<b>DESCRIPTION OF VEHICLE</b>
<b>19A NCAC 03C .0114</b>	<b>LIENS (SECURITY INTERESTS AND AGREEMENTS)</b>
<b>19A NCAC 03C .0115</b>	<b>SOURCE OF PURCHASE</b>
<b>19A NCAC 03C .0116</b>	<b>CLASS OF LICENSE</b>
<b>19A NCAC 03C .0117</b>	<b>WEIGHTS: BUSES</b>
<b>19A NCAC 03C .0118</b>	<b>EMPTY WEIGHT AND MAXIMUM LOAD (GROSS WEIGHT)</b>
<b>19A NCAC 03C .0119</b>	<b>DATE FIRST OPERATED</b>
<b>19A NCAC 03C .0120</b>	<b>TITLE ONLY</b>
<b>19A NCAC 03C .0121</b>	<b>SIGNATURE</b>
<b>19A NCAC 03C .0122</b>	<b>POWERS OF ATTORNEY: GUARDIANS</b>
<b>19A NCAC 03C .0123</b>	<b>ACKNOWLEDGEMENTS</b>
<b>19A NCAC 03C .0124</b>	<b>NOTARY DUTIES: REQUIREMENTS AND ACKNOWLEDGEMENT FEES</b>
<b>19A NCAC 03C .0125</b>	<b>REGISTRATION INFORMATION AND CERTIFIED RECORD FEES</b>
<b>19A NCAC 03C .0126</b>	<b>VEHICLES LEASED</b>
<b>19A NCAC 03C .0127</b>	<b>MINORS MAY OWN VEHICLES</b>
<b>19A NCAC 03C .0128</b>	<b>REGISTRATION REFERENCE RECORDS MAINTAINED BY DIVISION</b>
<b>19A NCAC 03C .0129</b>	<b>ASSIGNMENT OF TITLE BY THE REGISTERED OWNER</b>

<b>19A NCAC 03C .0130</b>	<b>ASSIGNMENT OF TITLE BY OTHER THAN THE REGISTERED OWNER</b>
<b>19A NCAC 03C .0131</b>	<b>REASSIGNMENT OF TITLE BY DEALER AND INSURANCE COMPANY</b>
<b>19A NCAC 03C .0132</b>	<b>REFUSAL STAMP</b>
<b>19A NCAC 03C .0133</b>	<b>APPLICATION FOR DUPLICATE TITLE: FORM MVR-4</b>
<b>19A NCAC 03C .0134</b>	<b>SUBSTITUTE OR CORRECTION OF TITLE: FORM MVR-5</b>
<b>19A NCAC 03C .0135</b>	<b>SALVAGED VEHICLES</b>
<b>19A NCAC 03C .0136</b>	<b>PENALTY FOR FAILURE TO MAKE TRANSFER WITHIN TWENTY DAYS</b>
<b>19A NCAC 03C .0137</b>	<b>BLANK OR OPEN ASSIGNMENTS PROHIBITED</b>
<b>19A NCAC 03C .0138</b>	<b>GLIDER KIT</b>
<b>19A NCAC 03C .0139</b>	<b>AUTHORITY TO GRANT OR REFUSE APPLICATIONS</b>
<b>19A NCAC 03C .0140</b>	<b>DISPLAY OF LICENSE PLATE RENEWAL STICKERS</b>
<b>19A NCAC 03C .0141</b>	<b>REGISTRATION UNDER THE INTERNATIONAL REGISTRATION PLAN</b>

*History Note:* Authority G.S. 20-1; 20-4.01; 20-4.1; 20-19; 20-39; 20-41; 20-42; 20-44; 20-50; 20-52; 20-52.1; 20-53; 20-54; 20-56 through 20-58; 20-58.4; 20-58.10; 20-66 through 20-70; 20-72; 20-74 through 20-77; 20-79; 20-85; 20-86.1; 20-87 through 20-88; 20-109; 20-109.1; 20-116; 20-118; 20-279; 20-279.24; 14-401.4; 105-314;  
*Eff. July 1, 1978;*  
*Repealed Eff. February 1, 1982.*

## **SECTION .0200 - REGISTRATION**

### **19A NCAC 03C .0201    FUNCTION**

This Section establishes the rules for vehicle registration in North Carolina including:

- (1) manufacturer's certificate of origin;
- (2) registration of out-of-state vehicles;
- (3) custom built vehicles;
- (4) motor homes;
- (5) purchase information required for registration;
- (6) buses for hire;
- (7) date vehicle first operated in North Carolina;
- (8) application for title only;
- (9) acknowledgements;
- (10) certified record fees;
- (11) registration of leased vehicle;
- (12) duplicate titles;
- (13) salvaged vehicles; and
- (14) penalty for failure to transfer registration.

*History Note:* Authority G.S. 20-4.01; 20-4.2; 20-4.3; 20-4.4; 20-4.5; 20-4.7; 20-4.8; 20-4.9; 20-4.10; 20-4.11; 20-4.12; 20-37.6; 20-39; 20-42; 20-44; 20-50; 20-51; 20-52; 20-53; 20-57; 20-58; 20-58.4; 20-64; 20-66; 20-67; 20-68; 20-69; 20-70; 20-72; 20-74; 20-75; 20-77; 20-79; 20-79.1; 20-79.2; 20-79.3; 20-81; 20-81.2; 20-81.3; 20-81.4; 20-81.5; 20-81.6; 20-83; 20-84; 20-85; 20-86; 20-87; 20-88; 20-94; 20-95; 20-109.1; 20-114; 20-116; 20-118; 20-286; 20-294; 20-309; 20-311; 20-313; 20-314; 20-315; 20-316; 20-317; 20-318; 20-319; 20-347; 14-401.4; 105-164.4(1); 105-164; 105-314;  
*Eff. July 1, 1978;*  
*Amended Eff. December 1, 1993; March 1, 1982;*  
*Readopted Eff. May 1, 2021.*

### **19A NCAC 03C .0202    TITLING AND REGISTRATION OF BRANDED VEHICLES**

Upon application for title and registration of a motor vehicle as defined in G.S. 20-4.01(33), the following rules apply:

- (1) Flood vehicles shall be branded "Water/Flood Damage Vehicle" on the title and "WATR-FLD" on the registration card.

- (2) Non-USA vehicles shall be titled and registered with an inspector's report to verify the vehicle meets Environmental Protection Agency standards and that the vehicle is operable. The title shall reflect the brand Non-USA vehicle.
- (3) If a NC Salvage Certificate of Title MVR-40 is being transferred to an individual or dealer and the vehicle is six model years old or newer, then the title and registration records shall notate a Total Loss Claim and it must be accompanied by:
  - (a) LT-275 Report of Initial Examination of Salvage Vehicle;
  - (b) LT-276 Affidavit of Rebuilder or Owner; and
  - (c) LT-277 Report of Final Examination of Rebuilt or Reconstructed Vehicle.If the three Documents referenced in this Rule are not submitted with the title, then a LT-270 Report of Examination Vehicle is required, and the title shall be branded as Reconstructed with Total Loss Claim noted. The registration records shall reflect Reconstructed and Total Loss Claim.
- (4) If a branded out of state title is transferred from an insurance company's name to an individual or dealer and the vehicle is six model years old or newer, then the title brand on the previous title will be included on the new NC Certificate of Title, and it shall be accompanied by:
  - (a) LT-275 Report of Initial Examination of Salvage Vehicle;
  - (b) LT-276 Affidavit of Rebuilder or Owner; and
  - (c) LT-277 Report of Final Examination of Rebuilt or Reconstructed Vehicle.If the three documents above are not submitted with the title, a LT-270 Report of Examination of Motor Vehicle, shall be required and the title shall be branded as Reconstructed.
- (5) If a NC Salvage Certificate of Title MVR-40 is being transferred to an individual or dealer and the vehicle is older than six model years, the previous title's brand be included on the new NC Salvage Certificate of Title MVR-40 and the inspector's report shall not be required.
- (6) If a branded out-of-state title is transferred from an insurance company's name to an individual or dealer, and the vehicle is older than six model years, it must be accompanied by a LT-270 Report of Examination of Motor Vehicle. The previous title's brand shall be included on the new NC Certificate of Title.
- (7) If a branded out-of-state title is submitted to the Division and in an individual's name or is assigned to an individual or dealer, the previous title's brand shall be included on the new NC Certificate of Title and an inspector's report shall not be required, regardless of the year.
- (8) If a branded out-of-state title is submitted to the Division in a dealer's name or is assigned to an individual or dealer, regardless of the year, it must be accompanied by a LT-20 Report of Examination of Motor Vehicle. The previous title's brand shall be included on the new NC Certificate of Title.
- (9) Salvage rebuilt vehicles will be branded if a NC Salvage Certificate of Title, MVR-40, is being transferred to an individual or dealer and is six model years old or newer, then the title and registration records shall notate Total Loss Claim and must be accompanied by:
  - (a) LT-275 Report of Initial Examination of Salvage Vehicle;
  - (b) LT-276 Affidavit of Rebuilder or Owner; and
  - (c) LT-277 Report of Final Examination of Rebuilt or Reconstructed Vehicle.If the three documents above are not submitted with the title, a LT-270 Report of Examination of Motor Vehicle is required, and the title will be branded as Reconstructed with Total Loss Claim noted. The registration records shall reflect Reconstructed and Total Loss Claim. For vehicles more than six model years old, the current brand shall be included on the new NC Certificate of Title.
- (10) If a NC Salvage Certificate of Title, MVR-40, is being transferred to an individual or dealer and is more than six model years old, the current brand shall be included on the new NC Salvage Certificate of Title, MVR-40, and an inspector's report shall not be required.
- (11) If an out-of-state title in the name of an insurance company without a brand is transferred to an individual or dealer and the vehicle is six model years old or newer, it shall be accompanied by the LT-270 Report of Examination of Motor Vehicle and the new title shall be branded in accordance with the applicable rules and G.S. 20-39, 20-71.3, and 20-109.1.
- (12) If an out-of-state title or a NC Certificate of Title is being transferred to an insurance company's name and is more than six model years old, a NC Salvage Certificate of Title, MVR-40, will notate Total Loss Claim and shall be branded Salvage Rebuilt.
- (13) Junk vehicles are marked "Junked" on the registration records only. The title must be submitted indicating the vehicle is incapable of operation or use upon the highways and has no resale value except as a source of parts or scraps.



*History Note:* Authority G.S. 20-1; 20-4.01(33); 20-39; 20-71.3; 20-109.1;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; November 1, 1991; January 1, 1988;  
Readopted Eff. June 1, 2021.

<b>19A NCAC 03C .0203</b>	<b>FORM FS-1: PREPARATION</b>
<b>19A NCAC 03C .0204</b>	<b>TIME FOR SUBMISSION OF FS-1 NOTICE</b>
<b>19A NCAC 03C .0205</b>	<b>INSURANCE REQUIREMENTS FOR DEALER AND MANUFACTURER PLATES</b>
<b>19A NCAC 03C .0206</b>	<b>INSURANCE REQUIREMENTS FOR 30-DAY PERMITS</b>
<b>19A NCAC 03C .0207</b>	<b>ONE-WAY TRIP PERMITS WITHOUT A LICENSE</b>
<b>19A NCAC 03C .0208</b>	<b>EMERGENCY TRANSFER OF LICENSE PROVISION</b>
<b>19A NCAC 03C .0209</b>	<b>VEHICLES OPERATED WITH 20-DAY TEMPORARY MARKER</b>
<b>19A NCAC 03C .0210</b>	<b>TRANSPORTER PLATES</b>
<b>19A NCAC 03C .0211</b>	<b>TEN-DAY TEMPORARY REGISTRATION PERMIT</b>
<b>19A NCAC 03C .0212</b>	<b>INSURANCE LAPSE HEARINGS</b>
<b>19A NCAC 03C .0213</b>	<b>TERMINATION OF LIABILITY INSURANCE: FORM FS-4</b>
<b>19A NCAC 03C .0214</b>	<b>FORM FS-4: PREPARATION</b>
<b>19A NCAC 03C .0215</b>	<b>TIME FOR SUBMISSION OF FS-4 NOTICE</b>
<b>19A NCAC 03C .0216</b>	<b>SURRENDER OF PLATES IN ADVANCE OF INSURANCE TERMINATION</b>
<b>19A NCAC 03C .0217</b>	<b>AFFIDAVIT OF FACTS: INABILITY TO SURRENDER PLATES</b>
<b>19A NCAC 03C .0218</b>	<b>FORM FS-19</b>
<b>19A NCAC 03C .0219</b>	<b>FAILURE TO COMPLY WITH FINANCIAL RESPONSIBILITY ACT</b>

*History Note:* Authority G.S. 20-39; 20-279; 20-309 through 20-319;  
Eff. July 1, 1978;  
Repealed Eff. February 1, 1982.

**19A NCAC 03C .0220 MANUFACTURER'S CERTIFICATE OF ORIGIN**

(a) The Manufacturer's Certificate of Origin shall contain the information set forth in G.S. 20-4.01(20) and the following information:

- (1) the manufacturer's name and address (may be preprinted); and
- (2) a countersignature of an agent (rubber stamped or written). The countersignature is the signature of the authorized person at the dealership.

(b) Upon transfer of a vehicle to a transferee in accordance with G.S. 20-52.1, a dealer shall complete the Assignment of Manufacturer's Certificate and shall comply with the following:

- (1) If the purchaser is not a licensed dealer, the certificate of title shall be obtained prior to further transfer.
- (2) When a transfer is made by a manufacturer to a dealer, the dealer shall make the transfer on the reverse side of the Manufacturer's Certificate.
- (3) The transfer shall match the name on the dealer's license.
- (4) Lien information shall be recorded in the transfer.
- (5) Transfers shall be notarized.
- (6) Alterations shall void the Manufacturer's Certificate and shall require the return of the certificate to the manufacturer for correction.

*History Note:* Authority G.S. 20-1; 20-4.01; 20-39; 20-52; 20-52.1; 20-54;  
Eff. March 1, 1982;  
Amended Eff. December 1, 1993;  
Readopted Eff. June 1, 2021.

**19A NCAC 03C .0221 REGISTRATION OF OUT-OF-STATE REGISTERED VEHICLES**

The applicant shall provide the following when registering a vehicle in North Carolina that is currently registered in another state, district, or territory:

- (1) the documentary proof of ownership, such as out-of-state vehicle registration or out-of-state certificate of title;

- (2) proof of liability insurance as required by G.S. 20-309; and
- (3) the payment of fees and taxes.

*History Note:* Authority G.S. 20-1; 20-39; 20-52; 20-85; 20-309; 105-187.6(c);  
Eff. March 1, 1982;  
Amended Eff. December 1, 1993;  
Readopted Eff. June 1, 2021.

#### **19A NCAC 03C .0222 REGISTRATION: CUSTOM BUILT MOTOR VEHICLES AND TRAILERS**

Registration of a custom-built motor vehicle or trailer requires the following:

- (1) the bills of sale for the principal parts or two appraisals from two different NC dealers with Indemnity Bonds;
- (2) the cancellation of the title if the number on the motor or frame is registered in North Carolina;
- (3) the form MVR-1 Title Application and any lienholder information that is required for titling vehicles in North Carolina;
- (4) the MVR-55 Affidavit for Custom or Replica Built Vehicles, which is a notarized statement that the vehicle was built from parts described by the bills of sale and must be completed in its entirety; and
- (5) the LT-270 Report of Examination of Motor Vehicles, is completed after an inspection by a motor vehicles inspector; and
- (6) the Manufacturer's Certificate of Origin for motor, frame, and transmission assigned to an individual or Indemnity Bond.

*History Note:* Authority G.S. 20-1; 20-4.01; 20-39; 20-53;  
Eff. March 1, 1982;  
Amended Eff. December 1, 1993; August 1, 1982;  
Readopted Eff. June 1, 2021.

#### **19A NCAC 03C .0223 REGISTRATION: MOTOR HOMES, ETC.**

- (a) The manufacturer of the chassis shall provide a Manufacturer's Certificate of Origin to the manufacturer of the motor home. The Manufacturer's Certificate of Origin shall show the serial number of the chassis.
- (b) If an application for registration of a customized van is presented with a Manufacturer's Certificate or Origin describing the van and another certificate describing the conversion kit, then an owner's statement explaining changes is required to determine the trade name, body style, and license classification of the van.

*History Note:* Authority G.S. 20-1; 20-4.01; 20-39; 20-52; 20-52.1; 20-53;  
Eff. March 1, 1982;  
Amended Eff. January 1, 1994;  
Readopted Eff. June 1, 2021.

#### **19A NCAC 03C .0224 PURCHASE INFORMATION**

In addition to the requirements set forth in G.S. 20-52(a), an applicant shall provide the following purchase information on the title application:

- (1) The name and address of the person or firm from whom the vehicle was acquired;
- (2) The date of purchase and whether the vehicle is new or used;
- (3) The dealer's certificate number;
- (4) Whether the vehicle was acquired for use in North Carolina;
- (5) The purchase price, verified by bill of sale on new vehicle;
- (6) The state of last registration;
- (7) The odometer reading and federal odometer statement; and
- (8) The ad valorem tax certification.

*History Note:* Authority G.S. 20-1; 20-39; 20-52;  
Eff. March 1, 1982;  
Amended Eff. November 1, 1991;  
Readopted Eff. June 1, 2021.

#### **19A NCAC 03C .0225 CLASS OF LICENSE PLATE**

Any applicant seeking an initial license plate or a transfer of a license plate shall indicate the desired classification at the time of application.

*History Note:* Authority G.S. 20-1; 20-39; 20-52; 20-64; 20-72; 20-78;  
Eff. March 1, 1982;  
Readopted Eff. May 1, 2021.

#### **19A NCAC 03C .0226 REGISTRATION: BUSES TO BE OPERATED FOR HIRE**

The registration for a bus to be operated for hire shall include the empty weight of the bus calculated to the nearest 100 pounds.

*History Note:* Authority G.S. 20-1; 20-39; 20-87;  
Eff. March 1, 1982;  
Amended Eff. December 1, 1993;  
Readopted Eff. June 1, 2021.

#### **19A NCAC 03C .0227 DATE FIRST OPERATED**

The date a vehicle is placed into operation in North Carolina shall be indicated upon registration. An applicant shall be subject to the license fee on the date a vehicle is placed into operation in North Carolina, unless he or she is a new resident operating under reciprocity in accordance with G.S. 20-4.1.

*History Note:* Authority G.S. 20-1; 20-4.01; 20-4.1; 20-39; 20-52;  
Eff. March 1, 1982;  
Readopted Eff. May 1, 2021.

#### **19A NCAC 03C .0228 TITLE ONLY**

To obtain a Certificate of Title without a license plate, the applicant shall verify that a license fee or transfer is not due by indicating on the Application for Title.

*History Note:* Authority G.S. 20-1; 20-39; 20-50; 20-73; 20-79;  
Eff. March 1, 1982;  
Amended Eff. December 1, 1993;  
Readopted Eff. June 1, 2021.

#### **19A NCAC 03C .0229 SIGNATURE**

The signature on any application for registration shall be written in ink or provided by electronic signature as referenced in Article 40 of Chapter 66 of the North Carolina General Statutes and shall comply with the requirements of this Rule.

- (1) The signature shall include the owner's full name, including "junior" if applicable.
- (2) If the vehicle is jointly owned, each owner must sign.
- (3) If the owner is unable to write or print, he or she must make his or her mark. A disinterested party shall write the owner's name and then sign his name as a witness to the owner's mark.
- (4) When the owner is a partnership or a corporation, the signature shall show the name of the firm and be signed by an officer or partner.
- (5) A printed or typed version of the signature agreeing with the signature shall appear on each application.

*History Note:* Authority G.S. 20-1; 20-39; 20-52; 20-57;  
Eff. March 1, 1982;  
Amended Eff. December 1, 1993;  
Readopted Eff. May 1, 2021.

#### **19A NCAC 03C .0230 POWERS OF ATTORNEY: GUARDIANS**

*History Note:* Authority G.S. 20-1; 20-39; 20-77;

*Eff. March 1, 1982;*  
*Repealed Eff. June 1, 2021.*

#### **19A NCAC 03C .0231 ACKNOWLEDGEMENTS**

*History Note:* Authority G.S. 20-1; 20-39; 20-42; 20-52;  
*Eff. March 1, 1982;*  
*Repealed Eff. December 1, 1993.*

#### **19A NCAC 03C .0232 REGISTRATION INFORMATION AND CERTIFIED RECORDS FEES**

Any person seeking verification of information regarding license numbers, ownership, or liability insurance shall submit a written request. Copies of these records are provided for a fee as set out in G.S. 20-4.02 and posted on the agency website at <https://www.ncdot.gov/dmv/downloads/Documents/MVR-94.pdf>.

*History Note:* Authority G.S. 20-1; 20-4.02; 20-39; 20-42;  
*Eff. March 1, 1982;*  
*Amended Eff. November 1, 1991; December 1, 1984;*  
*Readopted Eff. July 1, 2021.*

#### **19A NCAC 03C .0233 LEASED VEHICLES**

Vehicles being leased under a private lease shall be titled and registered in the name of the lessor. A copy of the lease agreement shall be filed with the Division at the time of application for the certificate of title and registration.

*History Note:* Authority G.S. 20-1; 20-4.01; 20-39; 20-50;  
*Eff. March 1, 1982;*  
*Amended Eff. December 1, 1993;*  
*Readopted Eff. May 1, 2021.*

#### **19A NCAC 03C .0234 MINORS MAY OWN VEHICLE**

*History Note:* Authority G.S. 20-1; 20-39;  
*Eff. March 1, 1982;*  
*Amended Eff. December 1, 1993;*  
*Repealed Eff. June 1, 2021.*

#### **19A NCAC 03C .0235 APPLICATION FOR DUPLICATE TITLE**

- (a) A lienholder applying for a duplicate certificate of title shall have the owner sign the application.
- (b) When a certificate of title is lost after the release of a lien, the lienholder's affidavit that the lien has been satisfied shall accompany the owner's application for a duplicate certificate of title or for an electronic lienholder, the lienholder shall request the lien be released electronically. A paper lien release shall not be accepted on an electronic lien.
- (c) A duplicate certificate of title takes precedence over the original unless a false statement made in the application invalidates the duplicate.
- (d) If the original certificate of title is lost after being endorsed, the purchaser shall submit notarized affidavits tracing the chain of ownership from the registered owner to the present owner and any lien cancellations involved along with his or her application for a duplicate certificate of title.
- (e) If the original certificate of title is lost and the vehicle has been sold or traded, the owner shall apply for a duplicate certificate of title and assign to the purchaser on the application. The Division shall not issue a duplicate certificate of title until 15 days after the receipt of the application.

*History Note:* Authority G.S. 20-1; 20-39; 20-68; 20-54;  
*Eff. March 1, 1982;*  
*Readopted Eff. June 1, 2021.*

#### **19A NCAC 03C .0236 PENALTY FOR FAILURE TO MAKE TRANSFER WITHIN 28 DAYS**

*History Note:* Authority G.S. 20-1; 20-39; 20-73; 20-77;  
Eff. March 1, 1982;  
Amended Eff. December 1, 1993; November 1, 1991;  
Repealed Eff. June 1, 2021.

#### **19A NCAC 03C .0237 DISPLAY OF LICENSE PLATE RENEWAL STICKER**

- (a) The license plates issued by the Division of Motor Vehicles shall be renewed by attaching an annual validation sticker.
- (b) These plates shall expire on the last day of the month indicated by the validation sticker. There is a 15-day grace period following the expiration date of the sticker. The plate cannot be transferred to another vehicle during the grace period.
- (c) The single month and year sticker shall be displayed on the plate in the upper right-hand corner.

*History Note:* Authority G.S. 20-39; 20-66;  
Eff. March 1, 1982;  
Amended Eff. December 1, 1993;  
Readopted Eff. May 1, 2021.

#### **19A NCAC 03C .0238 REGISTRATION RENEWAL BY MAIL**

*History Note:* Legislative Objection Lodged Eff. April 20, 1982;  
Authority G.S. 20-39; 20-50(b)(5); 20-63; 20-65; 20-66;  
Eff. July 1, 1982;  
Repealed Eff. July 2, 1982.

### **SECTION .0300 - FINANCIAL RESPONSIBILITY**

#### **19A NCAC 03C .0301 ASSISTANCE TO VEHICLE OWNERS**

- (a) The Division of Motor Vehicles will furnish to vehicle owners appropriate forms to facilitate compliance with Article 13, Chapter 20 of North Carolina General Statutes.
- (b) Vehicle owners may furnish required proof of financial responsibility on any reasonable document which identifies the vehicle and its owner and is sufficient for Division of Motor Vehicles verification.

*History Note:* Authority G.S. 20-39; 20-279.18; 20-279.19; 20-279.20; 20-279.2; 20-279.24; 20-279.25; 20-309;  
20-311; 20-313; 20-313.1; 20-315;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; February 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03C .0302 LIABILITY INSURANCE CERTIFICATION**

- (a) If the financial responsibility for a vehicle is a liability insurance policy, the owner of the vehicle must certify to the existence of the policy and furnish sufficient information on forms provided by the Division of Motor Vehicles to enable verification of the policy's existence.
- (b) Certification shall be made at original registration and at such times as a motor vehicle registration transaction is made between the owner and the Division of Motor Vehicles.

*History Note:* Authority G.S. 20-39; 20-279.2; 20-279.19; 20-279.22; 20-309;  
Eff. July 1, 1978;  
Amended Eff. February 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03C .0303 TERMINATION NOTICES**

- (a) North Carolina Notice of Termination Form FS-4 shall be used to notify the Commissioner of the Division of Motor Vehicles of termination of motor vehicle liability insurance. The form shall be supplied by the insurer and must include the name and address of the insured owner; year, make, and identification number of the vehicle for which the notification is

made; termination date of policy; inception date of policy; date of preparation of the FS-4. Notices of termination of policies covering multiple listed vehicles require a Form FS-4. A schedule of vehicles on same policy may be attached to an FS-4.

(b) Insurers shall notify the Commissioner of the North Carolina Division of Motor Vehicles immediately upon the effective date of termination, cancellation, or deletion of a motor vehicle from a motor vehicle liability insurance policy. Notification to the Commissioner is not necessary if a vehicle is deleted from a policy and replaced with another vehicle or is insured under a fleet policy by the same insurer. A fleet policy is defined as a policy with five or more vehicles which are not listed individually by year, make, model or identification number.

- (1) The notification of cancellation, termination, or deletion of a vehicle from a policy shall be on a form approved by the Commissioner of the North Carolina Division of Motor Vehicles. The form shall be designated as a FS-4 and shall reflect the following:
  - (A) name and address of insured;
  - (B) name of insurance company and code number;
  - (C) year, make and identification number of vehicle; multiple vehicles on same policy may be attached to one FS-4;
  - (D) termination date;
  - (E) inception date;
  - (F) date prepared;
  - (G) signature or a facsimile signature, which may be pre-printed or stamped, of authorized representative of insurance company;
  - (H) color: red;
  - (I) size: 7" width x 4 1/4" height; and
  - (J) must be typed or computer generated.
- (2) Insurers shall notify the Commissioner of the North Carolina Division of Motor Vehicles in the following instances:
  - (A) If a termination of liability insurance (FS-4) was issued to the North Carolina Division of Motor Vehicles and the insured was reinstated or renewed, the insurer must inform the Division with an FS-1 certificate of insurance, provided such reinstatement or renewal has occurred without any lapse in coverage. An agent representing an insurance company may issue the notification if authorized to do so by the company.
  - (B) An agent representing an insurance company may issue notification if authorized to do so by the company. FS-1's shall be issued upon request from the insured, Division of Motor Vehicles, or to reinstate with no lapse in coverage.
  - (C) When an insurance company terminates a policy and issues another policy, without a lapse, no FS-4 is necessary. The insurance company shall issue a FS-1 showing continuous coverage.
- (3) The certificate of insurance notice shall be on a form approved by the Commissioner of the North Carolina Division of Motor Vehicles. The form shall be designated as a FS-1 and shall reflect the following:
  - (A) name and address of insured;
  - (B) name of insurance company and code number;
  - (C) year, make and identification number of vehicle; multiple vehicles on same policy may be attached to a FS-1;
  - (D) policy number;
  - (E) policy effective date;
  - (F) date prepared;
  - (G) signature or facsimile signature of authorized representative; may be pre-printed or stamped;
  - (H) color: purple/red;
  - (I) size: 7" width x 4 1/4" height; and
  - (J) must be typed or computer generated.
- (4) Insurers may arrange with the Division of Motor Vehicles for notices to be submitted through exchange of electronic data media. If this procedure of reporting is selected, Division of Motor Vehicles will not have available a hard copy of submitted notices.

*History Note:* Authority G.S. 20-39; 20-279.2; 20-279.22; 20-279.29; 20-309; 20-316; 20-316.1;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; November 1, 1991; October 1, 1984; February 1, 1982;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03C .0304 VERIFICATION OF CERTIFICATION**

- (a) Insurance Certification forms requesting verification shall be addressed to insurers by the Division of Motor Vehicles.
- (b) Insurers shall respond to requests for certification within 15 days after receipt by the insurer.
- (c) The form completed by the Division of Motor Vehicles must contain:
  - (1) vehicle owner's name and address;
  - (2) vehicle make, model and vehicle identification number;
  - (3) date certification was made by the registrant; and
  - (4) date certification request was prepared by the Division of Motor Vehicles.
- (d) Data to be furnished by the insurer must include at least one of the following:
  - (1) the vehicle is currently insured against liability;
  - (2) the vehicle is not currently insured, but was insured at the time of certification; or
  - (3) no record of any liability insurance is available for the vehicle described.

*History Note: Authority G.S. 20-39; 20-279.2; 20-316.1;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; November 1, 1991; February 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03C .0305 INSURANCE LAPSE HEARINGS**

- (a) Any person who has received a notice of license plate revocation because of lack of continuous liability insurance coverage may request a hearing. Requests for a hearing or appeal are also accepted prior to receipt of the revocation order. For example, a hearing may be requested after receiving notice from the Division of Motor Vehicles that a termination notice has been received from an insurer.
- (b) If the hearings officer establishes that liability coverage has been continuous, or that any lapse in coverage is not reasonably attributable to fault or neglect on the part of the insured, he will rescind the Division's order of revocation.
- (c) A hearing request may be made by writing the Insurance Hearings Officer, Vehicle Services Registration Section, Division of Motor Vehicles, Raleigh, North Carolina 27697.
- (d) No hearing will be granted unless the owner, at the time of request, has financial responsibility for the vehicle as required by statute.

*History Note: Authority G.S. 20-39; 20-270.2; 20-316; 20-792.2;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; February 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

<b>19A NCAC 03C .0306</b>	<b>THIRTY-DAY PERMIT FOR NONRESIDENTS</b>
<b>19A NCAC 03C .0307</b>	<b>LICENSE PERIOD</b>
<b>19A NCAC 03C .0308</b>	<b>PRORATION OF FEES</b>
<b>19A NCAC 03C .0309</b>	<b>PARTIAL PAYMENTS</b>
<b>19A NCAC 03C .0310</b>	<b>SURRENDER OF PLATES FOR REFUNDS</b>
<b>19A NCAC 03C .0311</b>	<b>USE TAX</b>
<b>19A NCAC 03C .0312</b>	<b>FEE FOR DRIVER EDUCATION (NOT SUBJECT TO PRORATION)</b>
<b>19A NCAC 03C .0313</b>	<b>FEE FOR PRIVATE PASSENGER LICENSE</b>
<b>19A NCAC 03C .0314</b>	<b>FREE LICENSE FOR DISABLED VETERANS</b>
<b>19A NCAC 03C .0315</b>	<b>PRISONER OF WAR</b>
<b>19A NCAC 03C .0316</b>	<b>HISTORIC VEHICLES</b>
<b>19A NCAC 03C .0317</b>	<b>AMATEUR RADIO: CLASS D CITIZENS RADIO</b>
<b>19A NCAC 03C .0318</b>	<b>CIVIL AIR PATROL: ADDITIONAL PLUS PRIVATE PASSENGER FEES</b>
<b>19A NCAC 03C .0319</b>	<b>OFFICIAL AND NATIONAL GUARD</b>
<b>19A NCAC 03C .0320</b>	<b>MOTORCYCLES: MOTOR SCOOTERS: MOTORBIKES</b>

19A NCAC 03C .0321	VEHICLES OWNED BY STATE: MUNICIPALITIES AND ORPHANAGES
19A NCAC 03C .0322	STATE OWNED VEHICLES
19A NCAC 03C .0323	HANDICAPPED
19A NCAC 03C .0324	VEHICLE USED FOR PASSENGER AND PROPERTY CARRYING
19A NCAC 03C .0325	TRAILERS
19A NCAC 03C .0326	SELF-PROPELLED VEHICLES USED FOR CAMPING
19A NCAC 03C .0327	TRUCKS AND TRUCK-TRACTORS (PRIVATE PROPERTY CARRYING)
19A NCAC 03C .0328	FARM TRUCKS
19A NCAC 03C .0329	SPECIAL MOBILE EQUIPMENT
19A NCAC 03C .0330	TEN-DAY TEMPORARY REGISTRATION PLATE
19A NCAC 03C .0331	PERSONALIZED PLATES
19A NCAC 03C .0332	APPLICATION FOR REPLACEMENT LICENSE OR VALIDATION STICKER
19A NCAC 03C .0333	LICENSE PLATE TRANSFER
19A NCAC 03C .0334	SPECIAL PERMIT FOR EMERGENCY TRANSFER OF LICENSE
19A NCAC 03C .0335	PLATE CLASSIFICATION EXCHANGES: PRIVATE AND FOR-HIRE
19A NCAC 03C .0336	PLATE CLASSIFICATION: EXCHANGES AND CREDITS ALLOWED
19A NCAC 03C .0337	REGISTRATION CERTIFICATE
19A NCAC 03C .0338	REGISTRATION CERTIFICATES LOST: MULTIPLE
19A NCAC 03C .0339	RECORDS TO BE MAINTAINED
19A NCAC 03C .0340	LENGTH OF TIME RECORDS TO BE MAINTAINED
19A NCAC 03C .0341	REGISTRATION FOR REPORTING SALES TAX
19A NCAC 03C .0342	SALES TAX EXEMPTIONS
19A NCAC 03C .0343	USE OF DEALER AND MANUFACTURER PLATES
19A NCAC 03C .0344	ILLEGAL USE OF DEALER PLATES
19A NCAC 03C .0345	DEALER PLATES LOST OR STOLEN
19A NCAC 03C .0346	DEALER REGISTRATION CARD TO BE CARRIED
19A NCAC 03C .0347	DEALERS WITH DEALER PLATES PERMITTED TO MAKE ASSIGNMENTS
19A NCAC 03C .0348	CHANGING NAME: DISCONTINUING OF BUSINESS TRANSFER
19A NCAC 03C .0349	PURCHASE OF OUT-OF-STATE VEHICLES: REMOVAL OF PLATES
19A NCAC 03C .0350	TWENTY-DAY MARKERS BY PURCHASERS IN LIEU OF DEALERS PLATES
19A NCAC 03C .0351	CONDITIONS TEMPORARY MARKER ISSUED BY DEALER
19A NCAC 03C .0352	ISSUANCE OF TEMPORARY MARKERS
19A NCAC 03C .0353	ISSUANCE OF 20-DAY PERMITS: MAINTENANCE OF RECORDS: NOTICE
19A NCAC 03C .0354	DEALER'S DELIVERY OF PURCHASER'S APPLICATION: REGISTRATION
19A NCAC 03C .0355	ONLY ONE 20-DAY MARKER MAY BE ISSUED
19A NCAC 03C .0356	EXPIRATION OF TEMPORARY MARKER
19A NCAC 03C .0357	DEALER'S RIGHT TO ISSUE TEMPORARY MARKERS MAY BE SUSPENDED
19A NCAC 03C .0358	REFUND OF FEES PAID FOR TEMPORARY MARKER
19A NCAC 03C .0359	TRANSPORTER'S REGISTRATION
19A NCAC 03C .0360	DRIVEAWAY REGISTRATION: FORM MVR-16
19A NCAC 03C .0361	SCHEDULE OF WEIGHTS AND RATES
19A NCAC 03C .0362	NORTH CAROLINA SCHEDULE OF WEIGHTS AND RATES: FARM TRUCKS
19A NCAC 03C .0363	PRIVATE PASSENGER VEHICLE FEES
19A NCAC 03C .0364	TRAILER: WRECKER AND SPECIAL MOBILE EQUIPMENT FEES
19A NCAC 03C .0365	PRORATED LICENSE FEES FOR FOR-HIRE PASSENGER VEHICLE
19A NCAC 03C .0366	FEES FOR TITLE AND GENERAL REGISTRATION OF MOTOR VEHICLES

*History Note:* Authority G.S. 20-4.01; 20-37; 20-39; 20-42; 20-50; 20-57; 20-63 through 20-66; 20-68; 20-75; 20-78 to 20-79; 20-79.1; 20-80; 20-81; 20-81.4; 20-83 through 20-85; 20-87; 20-88; 20-88.1 through 20-88.6; 20-94 through 20-95; 20-118; 20-309; 105-164.4; 105-164.6; Eff. July 1, 1978;  
Repealed Eff. February 1, 1982.

#### **SECTION .0400 - MOTOR VEHICLES OPERATED FOR-HIRE**



## **19A NCAC 03C .0401    GENERAL INFORMATION**

*History Note:*    Authority G.S. 20-4.01; 20-4.12; 20-4.01(27); 20-4.01(31); 20-4.01(50); 20-37.6; 20-39; 20-50; 20-57; 20-64; 20-64(f); 20-64.2; 20-65; 20-66; 20-68; 20-75; 20-79; 20-79.1 through 20-79.3; 20-80; 20-81; 20-81.2 through 20-81.7; 20-83; 20-84; 20-87; 20-87(6); 20-87(7); 20-87(8); 20-87(10); 20-87.5; 20-87.9; 20-88; 20-88(b)(1),(2); 20-88(6); 20-88.1; 20-94; 20-95; 20-116; 20-118; 20-286; 20-294; 20-309; 105-164; 105-164.3(16); 105-164.4(1); 105-314;  
Eff. July 1, 1978;  
Amended Eff. March 1, 1982;  
Repealed Eff. December 1, 1993.

## **19A NCAC 03C .0402    LICENSE PERIOD FOR TRAILER PLATE**

*History Note:*    Authority G.S. 20-39; 20-63; 20-87(9); 20-88;  
Eff. July 1, 1978;  
Amended Eff. February 1, 1982;  
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.

## **19A NCAC 03C .0403    VAN POOL LICENSE PLATE**

*History Note:*    Authority G.S. 20-39; 20-87; 20-88.1;  
Eff. July 1, 1978;  
Amended Eff. October 1, 1984; February 1, 1982;  
Repealed Eff. June 1, 2021.

## **19A NCAC 03C .0404    ORIGINAL REGISTRATION: STAGGERED REGISTRATION SYSTEM**

*History Note:*    Authority G.S. 20-39; 20-50; 20-66;  
Eff. July 1, 1978;  
Amended Eff. February 1, 1982;  
Repealed Eff. June 1, 2021.

## **19A NCAC 03C .0405    U-DRIVE-IT VEHICLES**

## **19A NCAC 03C .0406    FOR-HIRE PASSENGER VEHICLES**

## **19A NCAC 03C .0407    FOR    -HIRE BUS**

## **19A NCAC 03C .0408    CONTRACT CARRIERS OF PROPERTY**

## **19A NCAC 03C .0409    EXEMPT PROPERTY CARRIERS**

## **19A NCAC 03C .0410    USE OF FOR-HIRE PLATES ON LEASED VEHICLES**

## **19A NCAC 03C .0411    COMMON CARRIERS OF PASSENGERS AND PROPERTY**

## **19A NCAC 03C .0412    PENALTY: FOR-HIRE OPERATION WITHOUT PROPER PLATES**

## **19A NCAC 03C .0413    COLLECTION OF FOR-HIRE LICENSE FEES BY LICENSE AND THEFT**

*History Note:*    Authority G.S. 20-4.01; 20-39; 20-42; 20-44; 20-50; 20-54; 20-86; 20-87; 20-87.1; 20-88; 20-261; 62-3; 62-6 through 62-9; 62-30; 62-112; 62-259; 62-260;  
Eff. July 1, 1978;  
Repealed Eff. February 1, 1982.

## **19A NCAC 03C .0414    APPLICATION FOR LICENSE**

*History Note:*    Authority G.S. 20-39; 20-50; 20-66; 20-79; 20-81.7; 20-83; 20-86.1;  
Eff. March 1, 1982;  
Repealed Eff. June 1, 2021.

## **19A NCAC 03C .0415    LICENSE PERIOD**

## **19A NCAC 03C .0416    SURRENDER OF PLATES FOR REFUNDS**

*History Note:* Authority G.S. 20-39; 20-63; 20-64; 20-66; 20-88;  
Eff. March 1, 1982;  
Repealed Eff. December 1, 1993.

#### **19A NCAC 03C .0417 SALES TAX**

*History Note:* Authority G.S. 20-39; 105-164.4; 105-164.6;  
Eff. March 1, 1982;  
Amended Eff. October 1, 1984;  
Repealed Eff. November 1, 1991.

#### **19A NCAC 03C .0418 FEE FOR DRIVER EDUCATION**

*History Note:* Authority G.S. 20-39; 20-88.1;  
Eff. March 1, 1982;  
Repealed Eff. December 1, 1984.

#### **19A NCAC 03C .0419 GOLF CARTS**

*History Note:* Authority G.S. 20-4.01; 20-39; 20-87; 20-88.1;  
Eff. March 1, 1982;  
Repealed Eff. June 1, 2021.

#### **19A NCAC 03C .0420 HANDICAPPED PLACARD**

Handicapped persons who do not own an automobile may be issued distinguishing placards for a fee of five dollars (\$5.00). If the handicapped placard is lost or stolen, a fee of five dollars (\$5.00) shall be required for replacement.

*History Note:* Authority G.S. 20-37.6(c);  
Eff. March 1, 1982;  
Amended Eff. December 1, 1994; December 1, 1993;  
Readopted Eff. June 1, 2021.

#### **19A NCAC 03C .0421 VEHICLES USED FOR PASSENGER AND PROPERTY CARRYING**

The property carrying registration fee applies to the following vehicles when used to transport property:

- (1) vehicles designed by the manufacturer as utility sedans, couriers, coupe-pickups, sedan delivery, and carpenters;
- (2) station wagons and multi-purpose vehicles with the seat removed; and
- (3) passenger cars with interiors so constructed or altered as to permit the transportation of property.

*History Note:* Authority G.S. 20-39; 20-87; 20-88;  
Eff. March 1, 1982;  
Readopted Eff. June 1, 2021.

#### **19A NCAC 03C .0422 TRAILERS**

*History Note:* Authority G.S. 20-39; 20-87(9); 20-88(c);  
Eff. March 1, 1982;  
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.

#### **19A NCAC 03C .0423 SELF-PROPELLED CAMPING VEHICLES**

Self-propelled vehicles equipped with permanent living and sleeping facilities and used for camping are classed as private passenger vehicles.

*History Note:* Authority G.S. 20-39; 20-87(5);

*Eff. March 1, 1982;*  
*Readopted Eff. May 1, 2021.*

**19A NCAC 03C .0424 TRUCKS AND TRUCK TRACTORS (PRIVATE PROPERTY CARRYING)**

Wrecker vehicles used to transport property and move disabled vehicles, or used to move vehicles that are not disabled, shall be classed as trucks and licensed as property carrying vehicles.

*History Note: Authority G.S. 20-39; 20-79; 20-84; 20-88; 20-118;*  
*Eff. March 1, 1982;*  
*Amended Eff. December 1, 1993;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0425 SPECIAL MOBILE EQUIPMENT**

(a) The special mobile equipment license affidavit MVR-295 shall accompany each application for title and include the following:

- (1) Vehicle Information including year, make, body style, model, VIN number;
- (2) Owner information including owner name and ID or North Carolina Driver License number, address, tax county and insurance information; and
- (3) Must be Notarized.

(b) If the vehicle is from a state having no registration requirements, bills of sale from at least the last two owners shall be required. The bill of sale to the current owner shall be notarized. If there is only one prior owner, one bill of sale shall be required. If no bill of sale can be provided, an indemnity bond shall be required.

*History Note: Authority G.S. 20-39; 20-87(10); 20-88;*  
*Eff. March 1, 1982;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0426 TEMPORARY REGISTRATION PLATE**

When a temporary license plate is issued on a property carrying vehicle, the registration is valid only for the empty weight of the vehicle. If the vehicle is found to be carrying property, the regular license plate fee shall be retroactively assessed as of the time of the application of the temporary license plate.

*History Note: Authority G.S. 20-39; 20-50;*  
*Eff. March 1, 1982;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0427 PERSONALIZED PLATES AND SPECIALTY PLATES**

(a) Specialty plates shall transfer from one vehicle to another if the vehicles have the same owner.

(b) Additional fees paid pursuant to G.S. 20-79.7 for a specialty plate shall not be refunded after the order has been submitted to the plate's manufacture.

*History Note: Authority G.S. 20-39; 20-79.4; 20-79.7 (recodified);*  
*Eff. March 1, 1982;*  
*Amended Eff. December 1, 1993; November 1, 1991;*  
*Readopted Eff. May 1, 2021.*

**19A NCAC 03C .0428 APPLICATION FOR REPLACEMENT LICENSE OR VALIDATION STICKERS**

To be issued a replacement license plate or validation sticker, the owner must certify that he or she has liability insurance pursuant to G.S. 20-109.

*History Note: Authority G.S. 20-39; 20-64; 20-66; 20-68; 20-109;*  
*Eff. March 1, 1982;*  
*Readopted Eff. June 1, 2021.*

**19A NCAC 03C .0429 LICENSE PLATE TRANSFER**

*History Note:* Authority G.S. 20-39; 20-42; 20-64; 20-65; 20-66;  
Eff. March 1, 1982;  
Amended Eff. December 1, 1993;  
Repealed Eff. June 1, 2021.

#### **19A NCAC 03C .0430 PLATE CLASSIFICATION: EXCHANGES AND CREDITS**

*History Note:* Authority G.S. 20-39; 20-64;  
Eff. March 1, 1982;  
Amended Eff. December 1, 1994;  
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.

#### **19A NCAC 03C .0431 PURCHASE OF OUT-OF-STATE VEHICLES: REMOVAL OF PLATES**

No resident of North Carolina shall use out-of-state license plates, unless the resident serves in the military, has dual residency, or where reciprocity agreements apply. This Rule applies to dealers and consumer owners.

*History Note:* Authority G.S. 20-39; 20-50;  
Eff. March 1, 1982;  
Readopted Eff. May 1, 2021.

#### **19A NCAC 03C .0432 TRANSPORTER'S REGISTRATION**

An application for transporter registration shall include valid insurance information and all other requirements as noted on MVR-16A. Form MVR-16A shall include the following:

- (1) the vehicle owner's driver's license number, name, address, and telephone number;
- (2) the vehicle owner's insurance information;
- (3) the vehicle owner's license plate number;
- (4) if a North Carolina dealer, the NC Dealer number shall be required or the name of the customer's repair facility.

*History Note:* Authority G.S. 20-39; 20-79.2;  
Eff. March 1, 1982;  
Amended Eff. October 1, 1984;  
Readopted Eff. June 1, 2021.

#### **19A NCAC 03C .0433 DRIVEAWAY REGISTRATION**

Prior to the issuance of driveaway plates, a driveaway company shall obtain and maintain insurance that would cover any new vehicle being operated by the company.

*History Note:* Authority G.S. 20-39; 20-87(8);  
Eff. March 1, 1982;  
Readopted Eff. June 1, 2021.

#### **19A NCAC 03C .0434 VAN POOL LICENSE PLATE REGISTRATION**

*History Note:* Authority G.S. 20-39; 20-87;  
Eff. March 1, 1982;  
Repealed Eff. August 1, 1982.

#### **19A NCAC 03C .0435 MILITARY RESERVE PLATES**

*History Note:* Authority G.S. 20-39; 20-79.4(16);  
Eff. December 1, 1984;  
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.

## **19A NCAC 03C .0436    HIGHWAY USE TAX**

*History Note:*    *Authority G.S. 20-39; 105-187.3;*  
*Eff. November 1, 1991;*  
*Amended Eff. January 1, 1994;*  
*Repealed Eff. June 1, 2021.*

## **SECTION .0500 - MOTOR VEHICLES OPERATED FOR HIRE**

### **19A NCAC 03C .0501    FOR HIRE OPERATIONS**

A carrier seeking a for-hire license shall meet any applicable requirements of city boards in accordance with G.S. 160A-304, the North Carolina Utilities Commission in accordance with G.S. 62-260, and the Unified Carrier Registration Agreement and the International Registration Plan prior to the issuance of a license.

*History Note:*    *Authority G.S. 20-4.01; 20-39; 20-44; 20-50; 20-86; 20-87; 20-88; 20-382;*  
*Eff. July 1, 1978;*  
*Amended Eff. March 1, 1982;*  
*Readopted Eff. June 1, 2021.*

<b>19A NCAC 03C .0502</b>	<b>DEFINITIONS</b>
<b>19A NCAC 03C .0503</b>	<b>APPLICATION FOR APPORTIONED REGISTRATION</b>
<b>19A NCAC 03C .0504</b>	<b>PAYMENT FOR AN ISSUANCE OF BASE PLATES AND CAB CARDS</b>
<b>19A NCAC 03C .0505</b>	<b>REGISTRATION OF OWNER-OPERATED VEHICLES</b>
<b>19A NCAC 03C .0506</b>	<b>RENTAL MOTOR VEHICLES: INTERNATIONAL REGISTRATION PLAN</b>
<b>19A NCAC 03C .0507</b>	<b>CHANGES TO APPORTIONALLY REGISTERED FLEET</b>
<b>19A NCAC 03C .0508</b>	<b>STARTING A NEW OPERATION</b>
<b>19A NCAC 03C .0509</b>	<b>TRIP LEASING</b>
<b>19A NCAC 03C .0510</b>	<b>OPTIONAL BASE JURISDICTION</b>
<b>19A NCAC 03C .0511</b>	<b>PROCEDURES: PROPORTIONAL REGISTRATION FEE AMOUNTS</b>
<b>19A NCAC 03C .0512</b>	<b>REFUNDS</b>
<b>19A NCAC 03C .0513</b>	<b>APPORTIONABLE VEHICLE TRIP PERMITS: BUFFER ZONE</b>
<b>19A NCAC 03C .0514</b>	<b>APPREHENSION: APPORTIONED VEHICLES: UNAUTHORIZED OPERATION</b>
<b>19A NCAC 03C .0515</b>	<b>APPREHENSION: APPORTIONED VEHICLES: EXCESS WEIGHT</b>
<b>19A NCAC 03C .0516</b>	<b>N.C. EXCEPTION TO INTERNATIONAL REGISTRATION PLAN</b>
<b>19A NCAC 03C .0517</b>	<b>MAINTENANCE AND PRESERVATION OF RECORDS</b>
<b>19A NCAC 03C .0518</b>	<b>AUDITS AND PENALTIES</b>
<b>19A NCAC 03C .0519</b>	<b>LOCATIONS FOR SERVICE</b>

*History Note:*    *Authority 20-86.1; 20-94;*  
*Eff. July 1, 1978;*  
*Repealed Eff. February 1, 1982.*

### **19A NCAC 03C .0520    FOR HIRE OPERATIONS DEFINED**

*History Note:*    *Authority G.S. 20-4.01; 20-39; 62-3; 62-276;*  
*Eff. March 1, 1982;*  
*Amended Eff. December 1, 1993;*  
*Repealed Eff. June 1, 2021.*

### **19A NCAC 03C .0521    TAXICAB**

(a) Taxis operating more than five miles outside an incorporated city or town shall certify via affidavit on form MVR-320 that they are outside the corporate limits and are exempt from local requirements.

(b) Form MVR-320 shall include the following:

- (1) the year, make, body style, and VIN number of the vehicle;
- (2) the principal operator of the vehicle;

- (3) the acknowledgment that the applicant will not travel within five miles of a city limit or are required to obtain a certificate of convenience and necessity from the city; and
- (4) an attestation under oath before a notary that the information on the application is true and also a complete affidavit of the applicant.

*History Note:* Authority G.S. 20-4.01; 20-37; 20-39; 20-86; 20-87;  
Eff. March 1, 1982;  
Amended Eff. December 1, 1993;  
Readopted Eff. June 1, 2021.

## **SECTION .0600 - INTERNATIONAL REGISTRATION PLAN**

### **19A NCAC 03C .0601 GENERAL INFORMATION**

*History Note:* Authority G.S. 20-86.1; 20-91;  
Eff. March 1, 1982;  
Repealed Eff. November 1, 1991.

### **19A NCAC 03C .0602 OBTAINING I.R.P. MANUAL AND SCHEDULE FORMS**

*History Note:* Authority G.S. 20-86.1; 20-91;  
Eff. February 1, 1982;  
Repealed Eff. November 1, 1991.

### **19A NCAC 03C .0603 REGISTRATION UNDER THE INTERNATIONAL REGISTRATION PLAN**

*History Note:* Authority G.S. 20-86.1; 20-91;  
Eff. March 1, 1982;  
Repealed Eff. November 1, 1991.

## **SUBCHAPTER 03D - ENFORCEMENT SECTION**

### **SECTION .0100 - GENERAL INFORMATION**

#### **19A NCAC 03D .0101 PURPOSE**

This Subchapter establishes rules for and provides information on the following:

- (1) motor vehicle dealer sales, distributor and factory representative license;
- (2) motor vehicle thefts;
- (3) mechanics and storage lien;
- (4) notice of sale;
- (5) safety inspection of motor vehicles;
- (6) licensing of safety inspection stations;
- (7) enforcement of weight regulations; and
- (8) approval of motor vehicle safety equipment.

*History Note:* Authority G.S. 20-1; 20-39; 20-45; 20-49 through 20-50; 20-52.1; 20-57; 20-64(a); 20-68; 20-72 through 20-79.1; 20-82 through 20-83; 20-84.2; 20-85 through 20-86; 20-86.1; 20-87 through 20-88; 20-88.1; 20-91.1; 20-96; 20-99; 20-103 through 20-104; 20-114; 20-116; 20-117.1; 20-118; 20-118.1; 20-122 through 20-135.3; 20-183.2 through 20-183.12; 20-308; 20-347; 44A-1 through 44A-4; 54-4; 55-131; 66-68; 105-449.52; 153-9; 160A-303;  
Eff. July 1, 1978;  
Amended Eff. January 1, 1994; October 1, 1991; February 1, 1982;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

**19A NCAC 03D .0102 FORMS AND PUBLICATIONS**

*History Note: Authority G.S. 20-1;  
Eff. July 1, 1978;  
Amended Eff. January 1, 1994; February 1, 1982; April 11, 1980;  
Repealed Eff. September 1, 2021.*

**19A NCAC 03D .0103 LICENSE FEES**  
**19A NCAC 03D .0104 DESCRIPTION OF LICENSE**  
**19A NCAC 03D .0105 CHANGE OF EMPLOYMENT**  
**19A NCAC 03D .0106 RECORDS**  
**19A NCAC 03D .0107 HEARINGS PURSUANT TO ARTICLE 12**  
**19A NCAC 03D .0108 RULES AND REGULATIONS**  
**19A NCAC 03D .0109 FORMS**

*History Note: Authority G.S.20-1; 20-52.1; 20-75; 20-79(a),(b); 20-82; 20-286(6),(15); 20-289;  
20-290(a); 20-291; 20-302; 20-303; 20-347; 143-350(g);  
Eff. July 1, 1978;  
Amended Eff. April 11, 1980;  
Repealed Eff. February 1, 1982.*

**SECTION .0200 - MOTOR VEHICLE DEALER, SALES, DISTRIBUTOR AND FACTORY  
REPRESENTATIVE LICENSE**

**19A NCAC 03D .0201 REQUIREMENT FOR LICENSE**

*History Note: Authority G.S. 20-1; 20-52.1; 20-75; 20-79; 20-82; 20-286(6) and (15); 20-287; 20-288; 20-290(a);  
20-291; 20-294 through 20-296; 20-301 through 20-305; 20-305.1 through 20-305.3; 54-4; 55-131;  
66-68; 143B-350(g);  
Eff. July 1, 1978;  
Amended Eff. March 1, 1982; April 11, 1980;  
Repealed Eff. June 1, 1988.*

**19A NCAC 03D .0202 DEALER AND MANUFACTURERS' PLATES AND TEMPORARY MARKERS**

*History Note: Authority G.S. 20-1; 20-39; 20-57; 20-68; 20-79; 20-79.1;  
Eff. July 1, 1978;  
Amended Eff. April 11, 1980;  
Repealed Eff. March 1, 1982.*

**19A NCAC 03D .0203 LICENSE FEES**  
**19A NCAC 03D .0204 DESCRIPTION OF LICENSE**  
**19A NCAC 03D .0205 CHANGE OF EMPLOYMENT**  
**19A NCAC 03D .0206 RECORDS**  
**19A NCAC 03D .0207 HEARINGS PURSUANT TO ARTICLE 12**  
**19A NCAC 03D .0208 ILLEGAL USE OF DEALER PLATES**  
**19A NCAC 03D .0209 DEALER PLATES LOST OR STOLEN**  
**19A NCAC 03D .0210 CONDITIONS FOR ISSUING TEMPORARY MARKERS BY A DEALER**  
**19A NCAC 03D .0211 ISSUANCE OF TEMPORARY MARKER RECEIPTS**  
**19A NCAC 03D .0212 DEALER'S DELIVERY OF PURCHASER'S APPLICATION REGISTRATION**

*History Note:* Authority G.S. 20-1; 20-39; 20-52.1; 20-68; 20-68(a); 20-75; 20-79; 20-79(a)(b); 20-79.1; 20-82; 20-85(5); 20-87(7); 20-286(6)(15); 20-289; 20-290(a); 20-291; 20-294 through 20-296; 20-297; 20-301 through 20-305; 20-305.1 through 20-305.3; 20-347;  
Eff. March 1, 1982;  
Amended Eff. August 1, 1984;  
Repealed Eff. June 1, 1988.

#### **19A NCAC 03D .0213 RENEWAL OF DEALER PLATES**

*History Note:* Authority G.S. 20-39; 20-66; 20-79;  
Eff. August 1, 1982;  
Repealed Eff. June 1, 1988.

#### **19A NCAC 03D .0214 CORP. SURETY BONDS: MOBILE/MANUFACTURED HOME DEALERS**

*History Note:* Authority G.S. 20-39; 20-288(e);  
Eff. December 1, 1982;  
Repealed Eff. June 1, 1988.

#### **19A NCAC 03D .0215 ELIGIBILITY FOR LICENSING**

Any person, firm or corporation who upon proper application meets the qualifications and requirements set out in Article 12 of Chapter 20 of the North Carolina General Statutes, G.S. 20-79 and rules contained in Title 19A, Subchapter 03D, Section .0200 shall be eligible for issuance of a dealer license.

*History Note:* Authority G.S. 20-1; 20-302;  
Eff. June 1, 1988;  
Amended Eff. January 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03D .0216 DEFINITIONS**

(a) Statutory Definitions: Definitions for words and phrases used in this Section and not defined in subsection (b) shall be the same as the definitions appearing in G.S. 20-286 and G.S. 20-4.01.

(b) Administrative Definitions: The following words and phrases shall have the meanings listed below when used in this Section:

- (1) "Established Salesroom" - A salesroom containing at least 96 square feet of floor space in a permanently enclosed building or structure which is separate and apart from any living quarters, residence or other business and having a separate entrance; where any vehicles displayed are separate and apart from vehicles of any other dealer; having displayed thereon or immediately adjacent thereto a sign, in block letters of not less than 3 inches in height on a contrasting background, clearly and distinctly designating the trade name of the business at which a permanent business of bartering, trading and selling of motor vehicles will be carried on as such in good faith and at which place of business shall be kept and maintained the books, records, and files the Division requires as necessary to conduct the business at such location. A building is not considered permanent if it has wheels. In order for a manufactured home to be considered a permanent enclosed building, it must be underpinned and wheels removed. Provided, however, the minimum area requirement provided for in this Paragraph is not applicable to any established place of business lawfully in existence and duly licensed on or before January 1, 1978.
- (2) "Established Office" (Wholesaler) - An office containing at least 96 square feet of floor space in a permanently enclosed building or structure which is accessible to Division personnel and is where required books, records and files are kept.
- (3) "Suspension" - The temporary withdrawal of a license issued by the Division of Motor Vehicles to a motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, wholesaler or their sales representative for a definite period.



- (4) "Revocation" - The termination of a license issued by the Division of Motor Vehicles to a motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, wholesaler or their sales representative.
- (5) "Automobile" - Any passenger car or station wagon.

*History Note: Authority G.S. 20-1; 20-302;  
 Eff. June 1, 1988;  
 Temporary Amendment Eff. February 9, 1989 for a Period of 180 Days to Expire on August 8, 1989;  
 Temporary Amendment Expired Eff. August 8, 1989;  
 Amended Eff. January 1, 1994; October 1, 1991; October 1, 1989;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03D .0217 APPLICATION FOR LICENSE**

- (a) Applications for all licenses required by the Motor Vehicle Dealers and Manufacturers Licensing Law shall be made on forms furnished by the Division and signed by the Owner, partner or proper officer of a corporation and filed with the Enforcement Section, N. C. Division of Motor Vehicles; Raleigh, North Carolina 27697, accompanied by the necessary fees; provided, the Division shall not issue a motor vehicle dealer license to a new motor vehicle dealer unless or until the applicant has satisfied the Division that a distributor or manufacturer has awarded the applicant a franchise to sell new motor vehicles in the relevant market area for which a license is sought.
- (b) The application and annual renewal of license to do business as a manufacturer, factory branch, distributor, distributor branch, wholesaler or dealer, must be signed by the owner, partner or an officer of the corporation. The application for license as a motor vehicle sales representative, distributor or factory representative must be certified by the owner, partner, or an officer of the corporation.
- (c) Application for all licenses required by the Motor Vehicle Dealers and Manufacturers Licensing Law must accurately describe the physical location of the business such as: street number, street name, city, state and zip code. If a post office box or rural route is used, the above information must also be included. It is not permissible to have a mailing address different from the actual location of the business. Wholesale applicants must supply the Division with a telephone number at which such business may be contacted by a representative of the Division concerning records and sales transactions.
- (d) Each applicant prior to being approved for license as a motor vehicle dealer, manufacturer, distributor, distributor branch, wholesaler or factory branch shall furnish a corporate surety bond, cash bond or fixed value equivalent thereof as required by G.S. 20-288(e). This bond shall remain in force and effect so long as the licensee remains in business. When a cash bond or equivalent thereof is filed with the Division, same shall remain in effect for a period of four years after termination of business. The name and address appearing on the bond must be exactly as shown on the application.
- (e) The Division must have evidence of an assumed name being filed with the Register of Deeds in the county in North Carolina where the business is maintained when such business is operated under any designation, name or style other than the real name of the owner or owners thereof or under its corporate name. After this filing when there is a change of name or ownership, evidence of this change being filed with the Register of Deeds shall be furnished to the Division of Motor Vehicles.
- (f) A foreign corporation must procure a certificate of authority from the North Carolina Secretary of State before being licensed to operate in this State under the Motor Vehicle Dealers and Manufacturers Licensing Law and provide written proof of same to the Division.
- (g) Before a North Carolina corporation can be licensed under the Motor Vehicle Dealer and Manufacturers Licensing Law, articles of incorporation must have been filed with the North Carolina Secretary of State, and written proof of same provided to the Division.
- (h) Before the Division shall issue licenses required by the Motor Vehicle Dealers and Manufacturers Licensing Law, the established salesroom or established office shall be in compliance with all state, county and municipal zoning ordinances or regulations, and written proof of same provided to the Division.
- (i) Prior to issuance of licenses required by the Motor Vehicle Dealers and Manufacturers Licensing Law, the applicant must purchase all required state and local "Traders" licenses and provide written proof of same to the Division.
- (j) License fees for each fiscal year, or part thereof, shall be as provided under G.S. 20-289; provided no license shall be issued until the fees for license required by G.S. 20-87(7) have been paid to the Division.
- (k) Upon receipt of application for any license required by the Motor Vehicle Dealers and Manufacturers Licensing Law, the Commissioner shall cause an investigation to be made to determine whether the applicant meets the requirements of law for licensing as a motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, wholesaler, motor vehicle

sales representative, factory representative or distributor branch representative, and this shall include the inspection of the proposed location, applications and other required documents by an agent of the Enforcement Section.

(l) When an applicant for a license under this Section is approved, based upon the application and the results of investigation made, the applicant will be issued license subject to the following limitations:

- (1) A license issued under the Motor Vehicle Dealers and Manufacturers Licensing Law shall be valid until suspended, revoked or expired. The license must be at all times conspicuously displayed at the place designated by the Division.
- (2) Any motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, or wholesaler who moves his place of business from the location for which license was issued shall immediately notify the Enforcement Section, North Carolina Division of Motor Vehicles, of such change of location and shall not engage in the business of buying, selling, trading or manufacturing motor vehicles until the new location has been inspected and approved by an agent of the Division and the necessary form and additional fees, if any, have been submitted to the Division.
- (3) A license issued pursuant to Article 12 of Chapter 20 of the General Statutes shall not be assignable and shall be valid only for the owner, or owners in whose name or names it is issued and for transaction of business only at place designated therein. If an individual, partnership or proprietorship should incorporate, new fees are due.
- (4) The Division shall be notified when there is a change of name and the licensee shall produce evidence that a bond as required by G.S. 20-288(e) is in effect.

(m) The Commissioner shall deny the application for any license under the Motor Vehicle Dealers and Manufacturers Licensing Law of any applicant who fails to meet the qualifications set out in Article 12 of Chapter 20 of the North Carolina General Statutes. Upon denial, applicant:

- (1) Shall be notified by certified mail within 30 days from denial of license, directed to the address shown by applicant on application form.
- (2) Upon request, shall be afforded a hearing by the Commissioner of Motor Vehicles as required under provisions of G.S. 20-295.

(n) Every motor vehicle sales representative who engages in business in this State as such must obtain a license. Applicants for a motor vehicle sales representative's license shall be subject to the following provisions:

- (1) A sales representative, factory representative, or distributor representative, must be employed by a motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, or wholesaler.
- (2) All applications for sales representative, factory representative, and distributor representative licenses must be made on forms furnished by the Division. Each application must be signed by the applicant and endorsed by the employer or employers.
- (3) All sales representative, factory representative, and distributor representative licenses shall be valid until suspended, revoked, or expiration, or until employment as a sales representative, factory representative for which it is issued is terminated.
- (4) All sales representatives, factory representatives, and distributor representatives shall at the time of changing employment return his license and make application to the Division on forms furnished by the Division designating the name and address of the new employer and must be signed by the applicant and endorsed by the employer or employers.

*History Note:* Authority G.S. 20-1; 20-52.1; 20-75; 20-79; 20-82; 20-286(6) and (15); 20-287; 20-288; 20-290(a); 20-291; 20-294 through 20-296; 20-301 through 20-305; 20-305.1 through 20-305.3; 66-68; Eff. June 1, 1988;  
Amended Eff. January 1, 1994; October 1, 1991; September 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03D .0218 DESCRIPTION OF LICENSE**

(a) Every license issued to a dealer, manufacturer, factory branch, distributor, distributor branch, or wholesaler must show the name of the business, location, license number and expiration of license.

(b) Every license issued to a sales, factory or distributor representative must show his name and address, name of his employer and expiration date.

(c) Every motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, or wholesaler shall, on or before the 30th day of June in any calendar year, apply for and obtain, upon payment of proper fees, the license and number plates required by G.S. 20-79.

*History Note:* Authority G.S. 20-1; 20-79; 20-290(a); 20-291; 20-302;  
Eff. June 1, 1988;  
Amended Eff. January 1, 1994; October 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03D .0219 BUSINESS RECORDS**

(a) All motor vehicle dealers, manufacturers, factory branches, distributors, distributor branches and wholesalers shall keep a record for at least four years of all vehicles manufactured, received, sold, traded or junked. In addition, a copy of any disclosure required by G.S. 20-71.4 received or given by the dealer must be retained for four years. An odometer disclosure form shall be retained for a period of five years as required by G.S. 20-347.1.

(b) All motor vehicle dealers, manufacturers, factory branches, distributor branches and wholesalers shall keep for a period of four years the following additional records for each vehicle and mobile/modular home manufactured, received, sold, traded or junked:

- (1) Make, body style, vehicle identification number, and year model.
- (2) Name of person, firm or corporation from whom acquired.
- (3) Date vehicle purchased or manufactured.
- (4) Name of person, firm or corporation to whom sold or traded. If vehicle junked, date, name and address of person, firm or corporation to whom frame, motor and body sold.
- (5) Date vehicle sold or traded.
- (6) Copy of bill of sale (written statement).
- (7) The North Carolina oversize single trip or annual permit number authorizing movement of the mobile/modular unit, serial number or vehicle identification number of the mobile/modular unit, the date of move, transporter, and name and address of purchaser.

(c) All records required to be maintained in Paragraphs (a) and (b) shall be kept and maintained for every vehicle purchased or sold and shall be kept so as to be readily available for inspection upon demand from an authorized agent of the North Carolina Division of Motor Vehicles in order that the ownership of any vehicle purchased or sold can be traced.

(d) Manufacturer's Certificates of Origin and title for all vehicles owned by a motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch or wholesaler must be immediately available to assign to the purchaser.

(e) Retail installment sales must be made in accordance with G.S. 20-303. Cash sales may be made by proper endorsement and delivery of the title to the purchaser and any other receipt that the purchaser and seller agree upon.

(f) Pursuant to 16 CFR 455.2 a dealer shall not willfully remove the "Monroney Label" or sticker from a new automobile that is displayed for sale. The "Monroney Label" must be affixed to the new automobile at the time of sale to the ultimate purchaser. "Ultimate Purchaser" means the first person, other than a dealer purchasing in his capacity as a dealer, who in good faith purchases a new automobile for purposes other than a resale.

(g) Pursuant to 15 USC Sec. 1231 every dealer offering used cars for sale shall post buyers guides with warranty information as required by the Federal Trade Commission and same shall be displayed at the time of sale.

*History Note:* Authority G.S. 20-1; 20-52; 20-71.4; 20-75; 20-79(a) and (b); 20-82; 20-286(6) and (15); 20-297; 20-302; 20-303; 20-347;  
Eff. June 1, 1988;  
Amended Eff. January 1, 1994; October 1, 1991; October 1, 1989;  
Filed as a Temporary Rule Eff. October 1, 2000;  
Amended Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03D .0220 INSPECTION AND INVESTIGATION**

(a) The Division may make periodic inspections of premises and records of licensee.

- (b) All bona fide complaints received in writing by the Commissioner about any person, firm or corporation licensed under Article 12 of Chapter 20 shall be investigated for the purpose of determining whether there has been a violation of that Article, Article 15 or these rules.
- (c) The Division shall also conduct an investigation when it has reasonable grounds to believe there has been a violation of Chapter 20 or these rules.

*History Note: Authority G.S. 20-1; 20-49; 20-297; 20-302;  
Eff. June 1, 1988;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

**19A NCAC 03D .0221 CONDITIONS FOR ISSUING TEMPORARY MARKERS BY A DEALER**

(a) A dealer shall meet the following conditions before issuing a temporary marker:

- (1) The dealer has passed ownership to the purchaser by:
  - (A) either assigning the title or Manufacturer's Certificate of Origin, or pursuant to G.S. 20-52.1 if the title of Manufacturer's Certificate of Origin is unavailable; and
  - (B) delivering the vehicle to the buyer.
- (2) Dealer has met all application and fee requirements pursuant to G.S. 20-79.1.
- (3) Dealer has proof of liability insurance pursuant to G.S. 279.21.
- (4) Exception. Subparagraph (a)(2) of this Rule shall not apply when the dealer is selling the vehicle to an out-of-state purchaser and the vehicle is to be removed from the State of North Carolina to the purchaser's place of residency prior to the expiration of the 30-day temporary registration marker. Proof of insurance Form FS-1 shall be completed and kept by the dealer as part of his or her records. For purposes of the Rules of this Section, Form FS-1 is provided by insurance companies in the State and requires the following:
  - (A) vehicle year, make and identification number;
  - (B) insurance company name and company code;
  - (C) insurance policy number;
  - (D) registered owner's name and effective date of insurance;
  - (E) owner's driver license number and date of birth;
  - (F) owner's address;
  - (G) preparation date and authorized signature of insurance company representative.

(b) Procedure for issuance of 30-day temporary markers:

- (1) All 30-day temporary markers shall be issued in numerical order, beginning with the lowest number of the set or sets.
- (2) The vehicle identification number, the make, the issuance date, and the expiration date shall be entered on the face of the temporary marker.
- (3) A receipt, which corresponds in number with the 30-day temporary marker, shall be issued by the dealer to the buyer.
- (4) The receipt shall be completed in duplicate and shall be legible.
- (5) The white copy of the receipt, with the 30-day marker, shall be delivered to the purchaser. The pink copy shall be retained by the issuing dealer for one year.
- (6) Pursuant to G.S. 20-52, all documents necessary to title and register the vehicle shall be presented to a license plate agency or mailed to the North Carolina Division of Motor Vehicles within four working days from date of issuance. When the purchaser is a nonresident, a 30-day temporary marker may be issued to the nonresident for the sole purpose of removing the vehicle to his or her place of residency provided the customer has in effect liability insurance with a company licensed in North Carolina. The dealer is neither required to obtain from such nonresident a written application for North Carolina registration nor to collect the North Carolina registration fees. However, Form FS-1 shall be completed and kept by the dealer as part of his or her records. If a plate is to be transferred, a 30-day temporary marker shall not be issued. All information shall be recorded on the report sheet in the back of receipt book.
- (7) All 30-day temporary markers and receipts that are voided shall be marked void and recorded on the report sheet. The white copy of the receipt and the 30-day temporary marker shall be mailed to the North Carolina Division of Motor Vehicles License and Theft Bureau together with the report sheets. Receipts and 30-day temporary markers that do not match shall be returned to the Division after recording on report sheet. The receipt shall not be altered.

- (8) Only one 30-day temporary marker shall be issued per vehicle per sale unless requirements in G.S. 20-79.1(h) are met.
- (9) Upon issuance of all receipts in each receipt book, the report sheet shall be completed in duplicate and the original mailed to the Division.

*History Note:* Authority G.S. 20-39; 20-52.1; 20-279.21;  
Eff. June 1, 1988;  
Amended Eff. January 1, 1994; October 1, 1991; October 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018;  
Amended Eff. September 1, 2021.

#### **19A NCAC 03D .0222 DEALER'S DELIVERY/PURCHASER'S APPL: REGISTRATION**

*History Note:* Authority G.S. 20-39; 20-79.1;  
Eff. June 1, 1988;  
Repealed Eff. October 1, 1989.

#### **19A NCAC 03D .0223 DEALER PLATES**

(a) The Application for Dealer Plates Form VS-405 for dealer plates shall be signed by the owner, partner, or officer of the corporation.

(b) Form VS-405 shall include:

- (1) license number and expiration date;
- (2) number of dealer plates noted on VS-419 (if applicable) for renewal;
- (3) additional or new dealer plates requested including the type of plate for independent dealer, franchise dealer, motorcycle plate, exempt trailer, manufacturer plate or motorcycle manufacturer and quantity needed;
- (4) number of dealer transporter plates noted on VS-419 for renewal;
- (5) additional or new dealer transporter plates requested;
- (6) total number of dealer transporter plates;
- (7) number of loaner dealer plates noted on VS-419 for renewal;
- (8) additional or new loaner dealer plates requested;
- (9) quantity of loaner plates;
- (10) late fee as set forth in G.S. 20-88.03 per plate within one month of expiration; and
- (11) total of all requested.

(c) Any dealer seeking to replace lost or stolen dealer plates shall complete and submit Form VS-405 with the fee required by G.S. 20-87(7) to the Division of Motor Vehicles. The dealer shall be reported to the local law enforcement agency and the Division of Motor Vehicles.

*History Note:* Authority G.S. 20-39; 20-79(a); 20-87(7); 20-88.03;  
Eff. June 1, 1988;  
Amended Eff. January 1, 1994; October 1, 1991;  
Readopted Eff. September 1, 2021.

#### **19A NCAC 03D .0224 ILLEGAL USE OF DEALER PLATES**

(a) A dealer shall only use dealer plates in accordance with the requirements of G.S. 20-79(d).

(b) Parts trucks used in delivering parts to other sales outlets may use dealer plates only if the sale of parts is incident to the dealer business.

(c) No person, other than those set forth in G.S. 20-79(d)(5)a. through f. shall operate a dealership vehicle unless they are in possession of a 96-hour permit. The said permit shall include license plate number, permittee's name, address, driver's license number, date and hour of issue and shall be signed by a dealer or sales manager and a person receiving the vehicle. A duplicate copy of the permit shall be retained by the dealer. The permit is void if erasures are made. For purposes of this Rule, "immediate family" as used in G.S. 20-79(d)(5)f. shall include a parent; spouse; sibling; child by blood, adoption, or marriage; grandparent, or grandchild.

(d) A wrecker shall not use dealer plates for wrecker service or on wreckers that move vehicles on a rotation basis at the request of state or local law enforcement authorities. A wrecker may use a dealer plate on wreckers that tow vehicles for the dealer's customers only.

(e) The civil penalty imposed upon a dealer pursuant to G.S. 20-79(e)(2) is due in full upon assessment by the Division. The license of a dealer who willfully and intentionally fails to pay the civil penalty within 30 days after notice of the assessment is delivered to the dealer or an employee of the dealer shall be suspended by the Division until the penalty is paid in full.

*History Note:* Authority G.S. 20-39; 20-79; 20-302; 20-294(2);  
Eff. June 1, 1988;  
Amended Eff. December 1, 1993; October 1, 1991; October 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018;  
Amended Eff. September 1, 2021.

#### **19A NCAC 03D .0225 VEHICLES OFFERED FOR SALE OWNED BY DEALERSHIP**

(a) No vehicle shall be sold or offered for sale or trade by any motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch, or wholesaler until it has in its possession a certificate of title or manufacturers certificate of origin or the same is available prior to conclusion of the sale or trade to complete transfer of ownership to the consumer-purchaser.

(b) This Rule does not apply when a manufacturer's certificate of origin or title are unavailable at the time of sale or trade and the dealer acts in accordance with G.S. 20-52.1(d), 20-72(b), or 20-72.1, whichever is applicable.

*History Note:* Authority G.S. 20-39; 20-79;  
Eff. June 1, 1988;  
Amended Eff. October 1, 1991;  
Readopted Eff. September 1, 2021.

#### **19A NCAC 03D .0226 VEHICLES OFFERED FOR SALE ON CONSIGNMENT**

(a) Any dealer offering a vehicle for sale that is on consignment from a manufacturer, distributor, factory branch, distributor branch, wholesaler, or individual shall have in his possession a consignment contract for each vehicle, executed by both parties.

(b) The consignment contract shall consist of the following:

- (1) the effective dates of the contract;
- (2) the first, middle and last name, address, and the telephone number, if available, of the owner;
- (3) the description of the vehicle on consignment, including the make, model, body style, year, and vehicle identification number;
- (4) the listing charges;
- (5) the percentage of commission or the amount of the commission the dealer is to get if the vehicle is sold; and
- (6) the right of the dealer to receive the agreed upon commission, if the vehicle is sold after the termination of the agreement and as a result of the dealer's effort, which shall not exceed 30 days.

(c) Any dealer offering a vehicle for sale on consignment shall tell the prospective customer that the vehicle is on consignment unless the dealer is going to take ownership of the vehicle by completing a re-assignment on the title documents. Any dealer selling a vehicle on consignment from a wholesaler shall take ownership of that vehicle prior to its retail sale.

(d) Dealer plates shall not be used to demonstrate a vehicle on consignment. However, the consignor's (owner's) plate may be used so long as the vehicle registration is active and liability insurance is in effect.

(e) In addition to a consignment contract, the dealer shall keep on file an equipment listing of the vehicle, consisting of, but not limited to, the following:

- (1) owners name and address; and
- (2) a description of the vehicle which shall include the year, make, model, body style, color, odometer reading, additional equipment, and the disclosure of known defects.

(f) The ownership documents of any vehicle on consignment shall be made available by the dealer to any North Carolina Division of Motor Vehicles employee on request.

(g) The owner shall execute the ownership documents and deliver them to the purchaser at the time the vehicle is delivered.

*History Note:* Authority G.S. 20-79(d); 20-302;

*Eff. June 1, 1988;*

*Amended Eff. January 1, 1994; October 1, 1991;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018;*

*Amended Eff. September 1, 2021.*

**19A NCAC 03D .0227 VEHICLES OFFERED FOR SALE ON A FLOOR PLAN LIEN**

(a) A "floor plan "lien" is a revolving line of credit in which a superior financial interest in a vehicle is held by a party other than the dealer.

(b) A dealer offering a vehicle subject to a floor plan lien for sale shall at the time of sale, satisfy the floor plan lien and obtain the title from the floor plan lienholder, execute the title documents, and deliver them to the purchaser or the lienholder as required by G.S. 20-52.1, 20-72, 20-72.1 and 20-75 at the time the vehicle is delivered.

(c) Manufacturers Certificate of Origin may be retained by the floor plan lienholder so long as the Manufacturers Certificate of Origin is located within the boundaries of North Carolina; provided the dealer has in possession, available for inspection, an invoice from the manufacturer or distributor and a Floor Plan Lien Disclosure Statement completed, dated, and signed by both parties. The Floor Plan Lien Disclosure Statement (LT-411) includes the following:

- (1) name of lien holder;
- (2) vehicle make, model, and style;
- (3) vehicle identification number;
- (4) address of lien holder;
- (5) name of dealership;
- (6) signature of lien holder and dealer; and
- (7) date of agreement.

(d) Mobile and manufactured home dealers shall be exempt from the requirement that the Manufacturer's Certificate of Origin be located within the boundaries of North Carolina. All other provisions of this Rule shall apply to mobile and manufactured home dealers.

*History Note: Authority G.S. 20-39; 20-52.1; 20-72; 20-72.1; 20-75;*

*Eff. June 1, 1988;*

*Amended Eff. June 1, 1995; January 1, 1994; October 1, 1991;*

*Readopted Eff. September 1, 2021.*

**19A NCAC 03D .0228 BILL OF SALE, ODOMETER STATEMENT - WRITTEN DOCUMENTATION**

(a) Bill of Sale - Every motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch or wholesaler at the time of sale or trade shall provide to the buyer in writing the applicable information listed below which may be on a bill of sale, buyer's order, financial statement or combination thereof. Each form must be completed in duplicate, signed by the buyer and seller, and the original or copy provided to the buyer and a copy of original retained by the dealer for four years. Such information shall include:

- (1) Name and address of person, firm or corporation to whom vehicle sold or traded.
- (2) Date of sale or trade.
- (3) Name and address of motor vehicle dealer, manufacturer, factory branch, distributor, distributor branch or wholesaler selling or trading vehicle.
- (4) Make, body style, vehicle identification number and year model.
- (5) Sale price of vehicle.
- (6) Amount of cash down payment made by the buyer.
- (7) Description of any vehicle used as a trade-in and the amount credited the buyer for sale trade-in. [Description of trade-in shall be the same as outlined in Subparagraph (a)(4) of this Rule.]
- (8) Amount of finance charge, if any, and interest.
- (9) The cost of insurance to the buyer, if any, and an explanation of the type and amount of coverage.
- (10) Any investigation charges, service charges or any other charge or charges not included in previous items. The purpose of each charge must be specified.
- (11) Net balance due from the buyer.
- (12) The amount of each payment and the time and schedule of deferred payment and to whom payments are to be made.

(b) Odometer Statement - Odometer disclosure statements must comply with Article 15 of Chapter 20 of the North Carolina General Statutes and copies retained for a period of five years.

*History Note:* Authority G.S. 20-39;  
Eff. June 1, 1988;  
Amended Eff. January 1, 1994; October 1, 1991; October 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

**19A NCAC 03D .0229 CORP. SURETY BONDS: MOBILE MANUFACTURED HOME DEALERS**

A person, business or entity who is engaged in the business of selling mobile or manufactured home, as defined in G.S. 143-143.9, and who also sells motor vehicles in connection to this business, shall either:

- (1) furnish to the Division a corporate surety bond, cash bond, or fixed equivalent thereof pursuant to G.S. 20-288(e); or
- (2) furnish to the Division a copy of the bond that the dealer has furnished to the North Carolina Manufactured Housing Board, pursuant to G.S. 143-143.12.

*History Note:* Authority G.S. 20-288(e); 20-302;  
Eff. June 1, 1988;  
Amended Eff. January 1, 1994;  
Readopted Eff. September 1, 2021.

**19A NCAC 03D .0230 SUSPENSION: REVOCATION AND RENEWAL REFUSED**

(a) Suspension: Any person, firm or corporation whose license is suspended shall:

- (1) Surrender all licenses and license plates (dealer, manufacturer or temporary marker) to the Division and not engage in the business of buying, selling, trading or manufacturing motor vehicles while license is suspended.
- (2) Reinstatement: At the termination of period of suspension, license, license plates and temporary markers will be returned to licensee upon payment of necessary fees, if any. If no fees are due, license, license plates and temporary markers will be returned to licensee upon request; if fees are due, licensee shall be notified prior to date of termination of suspension.

(b) Revocation:

- (1) Any person, firm or corporation whose license has been revoked shall surrender all licenses, license plates (dealer, manufacturer and temporary marker) to the Division and not engage in the business of buying, selling, trading, or manufacturing motor vehicles until new license and license plates have been obtained.
- (2) New license required:
  - (A) Where a license has been revoked, a new license must be obtained before carrying on any activity covered by Article 12 of Chapter 20.
  - (B) The procedure for obtaining a new license after revocation shall be the same as that for obtaining an original license except that application shall have noted on the face thereof by applicant the fact that prior license has been revoked and the date of such revocation.
  - (C) Where dealer or manufacturer's license plates have been revoked, the procedure for obtaining new plates shall be the same as that for obtaining original license plates.

(c) Renewal refused: Any person, firm or corporation whose renewal application for license has been refused must surrender all license plates to the Division for cancellation.

*History Note:* Authority G.S. 20-1; 20-302;  
Eff. June 1, 1988;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

**19A NCAC 03D .0231 HEARINGS PURSUANT TO ARTICLES 12 AND 15 OF CHAPTER 20**

(a) The following shall be applicable to hearings requested under G.S. 20-296:

- (1) No license issued under this Article shall be suspended, revoked or renewal refused until a hearing has been held before the Commissioner or a person designated by him and licensee shall have been notified in



writing ten days prior to such hearing by certified mail to his last known address as shown by records of the Division. Provided, however, if a licensee fails to maintain a bond as required by G.S. 20-288(e) or fails to purchase dealer license plates as required by G.S. 20-79, the Division shall cancel the dealer's license subject to the provision that the licensee shall be granted a hearing if requested in writing within ten days after the date of cancellation of such license.

- (2) Hearing shall be held at a place designated by the Commissioner.
- (3) The licensee shall be advised of the decision of the Commissioner in writing by certified mail within 30 days of the decision to his last known address as shown by records of the Division.
- (4) The decision of the Commissioner or his duly authorized representative, after hearing, shall be final and appeal therefrom shall be as provided in Chapter 150B of the North Carolina General Statutes (G.S. 20-300).

(b) Except as otherwise provided, the North Carolina Rules of Civil Procedure will be applicable to hearings requested under N.C.G.S. 20-304 through 20-305.4.

- (1) Action shall be initiated by the filing of a petition with the Commissioner of Motor Vehicles, North Carolina Division of Motor Vehicles, Raleigh, N. C. 27697, who shall serve a copy thereof on the affected manufacturer by certified mail (return receipt requested) with notice that such manufacturer shall reply to the subject petition of the dealer within 30 days.
- (2) Petitioner and replies:
  - (A) The form of the petition shall be the same as that required for filing of petitions in the superior court and there shall be attached thereto a copy of the franchise agreement between the dealer and manufacturer.
  - (B) The form of the reply to the petition shall be the same as required for the filing of a reply to a petition in the superior court and there shall be attached thereto a copy of the franchise agreement between the manufacturer and dealer.
  - (C) Exhibits and supporting documents shall be attached to the petition or reply at the time of filing.
- (3) The hearing shall be held at a place designated by the Commissioner upon 20 days written notice to both the petitioner and respondent.
  - (A) It shall be the obligation of the parties involved to have present at any hearing all witnesses which the parties desire to be heard.
  - (B) The parties shall be advised of the decision of the Commissioner in writing by certified mail to the addresses as shown in the pleadings filed in the action.
- (4) The decision of the Commissioner or his duly authorized representative after hearing shall be final and appeal therefrom shall be as provided in Chapter 150B of the North Carolina General Statutes (G.S. 20-300).

*History Note:* Authority G.S. 20-1; 20-294 through 20-296; 20-301 through 20-305; 20-305.1 through 20-305.3; Eff. June 1, 1988;  
Amended Eff. January 1, 1994; October 1, 1991; October 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03D .0232 CIVIL PENALTY SCHEDULE FOR NON-LICENSED MOTOR VEHICLE DEALERS**

The civil penalty schedule established in this Rule shall apply to a person acting as a dealer who has not obtained a license pursuant to Article 12 of the Motor Vehicle dealers and Manufacturers Licensing Law. The Division of Motor Vehicles shall apply the penalty schedule in the following manner:

- (1) For a first offense of selling motor vehicles without a license against any person who is required to obtain a license under G.S. 20-287 and has not obtained the license, the DMV shall levy and collect a civil penalty of one thousand dollars (\$1000) in addition to any other punishment required under the law.
- (2) For a second offense of selling motor vehicles without a license against any person who is required to obtain a license under G.S. 20-287 and has not obtained the license, the DMV shall levy and collect a civil penalty of three thousand dollars (\$3,000) in addition to any other punishment under the law.
- (3) For a third or subsequent offense of selling motor vehicles without a license against any person who is required to obtain a license under G.S. 287 and has not obtained the license, the Division shall levy and collect a civil penalty of five thousand dollars (\$5,000) in addition to any other punishment under the law.

*History Note:* Authority G.S. 20-39; 20-287;  
Eff. August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03D .0233 CIVIL PENALTY SCHEDULE FOR LICENSED MOTOR VEHICLE DEALERS**

The civil penalty schedule established in this Rule applies to motor vehicle dealers, motor vehicle sales representatives, manufacturers, factory branches, factory representatives, distributors, representatives, distributor branches, distributor representatives, and wholesalers. The schedule categorizes violations as Type I (serious) Violations, Type II (moderate/less serious) Violations, and Type III (minor) Violations. The DMV shall apply the Civil Penalty Schedule as follows:

- (1) Type I Violation: For a first Type I violation within three years by a licensee, the Division shall assess a civil penalty of two hundred fifty dollars (\$250.00) in addition to any other punishment or remedy under the law. For a second Type I violation within three years by a licensee, the Division shall assess a civil penalty of five hundred dollars (\$500.00) in addition to any other punishment or remedy under the law. For a third or subsequent Type I violation within three years by a licensee, the Division shall assess a civil penalty of one thousand dollars (\$1,000) in addition to any other punishment or remedy under the law.
- (2) Type II Violation: For a first Type II violation within three years by a licensee, the Division shall assess a civil penalty of one hundred dollars (\$100.00) in addition to any other punishment or remedy under the law. For a second Type II violation within three years by a licensee, the Division shall assess a civil penalty of two hundred fifty dollars (\$250.00) in addition to any other punishment or remedy under the law. For a third or subsequent Type II violation within three years by a licensee, the Division shall assess a civil penalty of five hundred dollars (\$500.00) in addition to any other punishment or remedy under the law.
- (3) Type III Violation: For any Type III violation by a licensee, the Division shall assess a civil penalty of fifty dollars (\$50.00) in addition to any other punishment or remedy under the law.
- (4) Multiple Violations: If a licensee commits two or more violations in the course of a single transaction or occurrence, the division shall assess a civil penalty specified for the most serious violation only, based upon the schedule set out in this Rule.

*History Note:* Authority G.S. 20-39; 20-287;  
Eff. August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03D .0234 TYPE I OR SERIOUS VIOLATIONS**

The Division of Motor Vehicles shall apply the Civil Penalty Schedule for Type I Violations against a licensed automobile dealer for any of the following:

- (1) Failing to deliver manufacturer's certificate at time of transfer as required in G.S. 20-52.1;
- (2) Failing to deliver certificate of title at time of transfer as required in G.S. 20-75;
- (3) Altering or forging certificate of title, registration card, or application as addressed in G.S. 20-71;
- (4) Reproducing or possessing blank certificate of title;
- (5) Failing to disclose damage to a vehicle as addressed in G.S. 20-71.4;
- (6) Knowingly making false statements about the date a vehicle was sold or acquired as addressed in G.S. 20-74;
- (7) Receiving or transferring stolen vehicles as addressed in G.S. 20-106;
- (8) Injuring or tampering with vehicle as addressed in G.S. 20-107;
- (9) Buying, receiving, disposing of, selling, offering for sale, concealing, or possessing vehicles or component parts with manufacturer's numbers as addressed in G.S. 20-108;
- (10) Altering or changing engine or other numbers as addressed in G.S. 20-109;
- (11) Making material misstatement in application for a license as addressed in G.S. 20-294(1);
- (12) Making material misstatement in application for dealer license plate as addressed in G.S. 20-294(12);
- (13) Failing to maintain established salesroom or established office as required in G.S. 20-294(3);
- (14) Defrauding retail buyer or any other person with whom business is conducted in a manner which damages the buyer as addressed in G.S. 20-294(4);

- (15) Employing fraudulent devices, methods or practices in connection with the laws of this State regarding the retaking or repossessing motor vehicles under retail installment contracts and resale of such vehicles as addressed in G.S. 20-294(5);
- (16) Using unfair methods of competition or unfair deceptive acts or practices as addressed in G.S. 20-294(6);
- (17) Knowingly advertising by any means, any untrue assertion or representation or statement of fact which is misleading or deceptive in any particular relating to the conduct of business licensed or for which a license is sought as addressed in G.S. 20-294(7);
- (18) Knowingly advertising a used motor vehicle for sale as a new motor vehicle as addressed in G.S. 20-294(8);
- (19) Being convicted of an offense set forth under G.S. 20I-106, G.S. 20-106.1, G.S. 20-107, or G.S. 20-112 while holding such a license or within five years prior to the date of filing the application as addressed in G.S. 20-294(9);
- (20) Being convicted of a felony involving moral turpitude under the laws of this state, another state, or the United States as addressed in G.S. 20-294(9);
- (21) Submitting a bad check to the Division of Motor Vehicles in payment of highway use taxes collected as addressed in G.S. 20-294(10);
- (22) Knowingly giving an incorrect certificate of title, or failing to give a certificate of title to a purchaser, a lienholder, or the Division after a vehicle is sold as required in G.S. 20-294(11);
- (23) Coercing or offering anything of value to any purchaser of a motor vehicle to provide any type of insurance coverage on said motor vehicle or accepting any policy as collateral on any vehicle sold to secure an interest in such vehicle in any company not qualified under the insurance laws of this state as addressed in G.S. 20-298;
- (24) Failing to provide and deliver to buyer a written installment statement describing clearly the motor vehicle sold, the cash sale price thereof, the cash paid down by the buyer, the amount credited the buyer for any trade-in and a description of the motor vehicle traded, the amount of the finance charge, the amount of any other charge specifying its purpose, the net balance due from the buyer, the terms of the payment of such net balance and a summary of any insurance protected to be effected as addressed in G.S. 20-303; and
- (25) Violating any statute included in or related to Article 15 of the Vehicle Mileage Act as addressed in G.S. 20-340 through G.S. 20-350.

*History Note:* Authority G.S. 20-39; 20-287;  
 Eff. August 1, 2004;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03D .0235 TYPE II MODERATE OR LESS SERIOUS VIOLATIONS**

The Division of Motor Vehicles shall apply the Civil Penalty Schedule for Type II Violations against a licensed automobile dealer for any of the following:

- (1) Failing to maintain in full force and effect a corporate surety bond as required by G.S. 20-288(c);
- (2) Displaying motor vehicles for sale at retail at a location other than an established salesroom as required in G.S. 20-292;
- (3) Failing to inspect new vehicles prior to retail sale and failing to inspect used vehicles before they are offered for sale as required in G.S. 20-183.4C;
- (4) Failing to maintain and retain a record of all vehicles received and sold by the dealer to include all Division of Motor Vehicles' requirements for the period of time required by the Division as addressed in G.S. 20-297;
- (5) Improperly issuing or using 30-day temporary markers as addressed in G.S. 20-79.1;
- (6) Violating any rules in connection with the selling of vehicles on consignment as addressed in 19A NCAC 03D .0226; and
- (7) Violating any laws concerning conspicuous disclosure of dealer administrative fees or finance yield charges as addressed in G.S. 20-101.1 and G.S. 20-101.2.

*History Note:* Authority G.S. 20-39; 20-287;  
 Eff. August 1, 2004;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03D .0236 TYPE III MINOR VIOLATIONS**

The Division of Motor Vehicles shall apply the Civil Penalty Schedule for Type III Violations against a licensed automobile dealer for any of the following:

- (1) Failure of licensed dealer to keep a current list of licensed salespeople posted in a conspicuous manner as required in G.S. 20-290(b);
- (2) Failure of licensed dealer to include license type and serial number of license in any advertisement publication as required in G.S. 20-290(c);
- (3) Failure of any sales representative, factory representative, or distributive representative to carry licenses when engaged in business and display the same upon request as required in G.S. 20-291;
- (4) Failure of sales representative, factory representative, or distributive representative to report change of employment, make new application, and submit appropriate change of employment fee to the Division; and
- (5) Failure to post "Buyers Guide" on every used motor vehicle offered for sale with warranty information as required by the Federal Trade Commission.

*History Note: Authority G.S. 20-39; 20-287;  
Eff. August 1, 2004;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

### **SECTION .0300 - MOTOR VEHICLE THEFTS**

#### **19A NCAC 03D .0301 STOLEN MOTOR VEHICLES**

When a vehicle is reported stolen, the Division takes the necessary action to stop the title for the vehicle from being transferred except to the insurance company when the theft claim has been settled.

*History Note: Authority G.S. 20-1; 20-2; 20-39; 20-103; 20-104;  
Eff. July 1, 1978;  
Amended Eff. August 1, 1984; February 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03D .0302 RECOVERED MOTOR VEHICLES**

- (a) The Division's files are marked to indicate a recovered vehicle as soon as the report is received.
- (b) The owner and lien holder (if any) are notified when a report of a recovered vehicle is received, except when the Division learns that the owner already knows the vehicle's location.

*History Note: Authority G.S. 20-1; 20-2; 20-39; 20-103; 20-104;  
Eff. July 1, 1978;  
Amended Eff. February 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03D .0303 SALE OF VEHICLE TO SATISFY STORAGE OR MECHANIC'S LIEN**

#### **19A NCAC 03D .0304 SALE OF MOTOR VEHICLE UNDER JUDICIAL PROCEEDINGS**

#### **19A NCAC 03D .0305 SALE OF ABANDONED VEHICLE**

#### **19A NCAC 03D .0306 FORMS**

*History Note: Authority G.S. 20-1; 20-77(d)(e); 20-114(c); 44A-2; 44A-4; 153-9; 160A-303;  
Eff. July 1, 1978;  
Repealed Eff. February 1, 1982.*

### **SECTION .0400 - NOTICE OF SALE AND STORED VEHICLES**

#### **19A NCAC 03D .0401    STORED VEHICLE**

A written or a computer-generated report must be filed with the Enforcement Section by law enforcement officers of all vehicles reported to them as abandoned and of all vehicles stored for illegal use.

*History Note:*     *Authority G.S. 20-1; 20-2; 20-39; 20-114(c);*  
                         *Eff. July 1, 1978;*  
                         *Amended Eff. January 1, 1994; October 1, 1991; February 1, 1982;*  
                         *Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22,*  
                         *2018.*

#### **19A NCAC 03D .0402    UNCLAIMED MOTOR VEHICLE**

(a) To report an unclaimed vehicle pursuant to G.S. 20-77(d), a business operator or landowner shall submit a Report of Unclaimed Motor Vehicle Form to the License and Theft Bureau.

(b) Report of Unclaimed Motor Vehicle Forms are available at <https://www.ncdot.gov/dmv/programs/fraud-theft/Pages/forms.aspx> and <https://connect.ncdot.gov/business/DMV/Pages/default.aspx>.

(c) A Report of Unclaimed Motor Vehicle Form shall contain the following information:

- (1) name, address, and phone number of business operator or landowner;
- (2) make, body style, and year of vehicle;
- (3) state, number, and year of the plate on the vehicle;
- (4) date vehicle was left;
- (5) vehicle identification number;
- (6) approximate value of the vehicle;
- (7) location of where the vehicle is being stored;
- (8) reason for vehicle being left;
- (9) condition of vehicle; and
- (10) person or firm who authorized the tow of the vehicle.

*History Note:*     *Authority G.S. 20-2; 20-39; 20-77(d);*  
                         *Eff. July 1, 1978;*  
                         *Amended Eff. October 1, 1991; February 1, 1982;*  
                         *Readopted Eff. September 1, 2021.*

#### **19A NCAC 03D .0403    SALE OF VEHICLE TO SATISFY GARAGE STORAGE OR MECHANIC LIEN**

If a vehicle remains unclaimed following the submission of an Unclaimed Vehicle report as set forth in Rule .0402 of this Section and the expiration of time set forth in G.S. 44A-4(a), a person wishing to sell the unclaimed vehicle to satisfy a lien under Article 1 of Chapter 44A of the North Carolina General Statutes, he or she shall notify the License and Theft Bureau by completing a Notice of Intent to Sell a Vehicle to Satisfy Storage and/or the Mechanic's Lien Form LT-262. The form can be found at [www.ncdot.gov/dmv](http://www.ncdot.gov/dmv) and shall contain the following:

- (1) vehicle make, year, body style, license plate number, serial or VIN number, and year the vehicle was last registered;
- (2) location where the vehicle is stored;
- (3) description of the lien as provided by G.S. 44A-2;
- (4) date of storage;
- (5) name and address of person authorizing repairs, services, towing and storage;
- (6) name, address and signature of lienor; and
- (7) payment of the fee set forth in G.S. 44A-4(b)(1).

*History Note:*     *Authority G.S. 20-2; 20-39; 20-77(d); 20-114(c); 44A-2; 44A-4;*  
                         *Eff. July 1, 1978;*  
                         *Amended Eff. October 1, 1991; February 1, 1982;*  
                         *Readopted Eff. September 1, 2021.*

#### **19A NCAC 03D .0404    SALE OF MOTOR VEHICLE UNDER JUDICIAL PROCEEDINGS**

*History Note:* Authority G.S. 20-2; 20-39; 20-114(c);  
Eff. July 1, 1978;  
Amended Eff. October 1, 1991; February 1, 1982;  
Repealed Eff. September 1, 2021.

**19A NCAC 03D .0405 SALE OF ABANDONED VEHICLE**

A city, county, or law enforcement agency selling an abandoned vehicle as a result of a city or county ordinance on file with the License and Theft Bureau shall give notice to the Bureau at <https://connect.ncdot.gov/business/DMV/Pages/Report-Unclaimed-Motor-Vehicles.aspx>.

*History Note:* Authority G.S. 20-2; 20-39; 20-77; 160A-303;  
Eff. July 1, 1978;  
Amended Eff. October 1, 1991; February 1, 1982; April 11, 1980;  
Readopted Eff. September 1, 2021.

**19A NCAC 03D .0406 INSPECTION PROCEDURES**  
**19A NCAC 03D .0407 INSPECTION OF MOTORCYCLES: MOTOR SCOOTERS AND MOTOR BIKES**  
**19A NCAC 03D .0408 PROCEDURE FOLLOWING VEHICLE INSPECTION**  
**19A NCAC 03D .0409 REINSPECTION**  
**19A NCAC 03D .0410 INSPECTION CERTIFICATES ISSUED BY OTHER JURISDICTIONS**  
**19A NCAC 03D .0411 FORMS**

*History Note:* Authority G.S. 20-1; 20-122 through 20-133; 20-183.3 through 20-183.8;  
Eff. July 1, 1978;  
Repealed Eff. February 1, 1982.

**SECTION .0500 - GENERAL INFORMATION REGARDING SAFETY INSPECTION OF MOTOR VEHICLES**

**19A NCAC 03D .0501 GENERAL INFORMATION**

*History Note:* Authority G. S. 20-1; 20-117.1(a); 20-122; 20-122.1; 20-123.1; 20-124; 20-125; 20-125.1; 20-126; 20-127; 20-128; 20-128.1; 20-129; 20-129.1; 20-130; 20-130.1; 20-130.2; 20-130.3; 20-131 through 20-134; 20-183.2; 20-183.3; 20-183.4; 20-183.5; 20-183.6; 20-183.7; 20-183.8;  
Eff. July 1, 1978;  
Amended Eff. March 1, 1982;  
Repealed Eff. January 1, 1983.

**19A NCAC 03D .0502 COLLECTION OF ASSESSMENTS**  
**19A NCAC 03D .0503 WEIGHING VEHICLES WITH PORTABLE SCALES**  
**19A NCAC 03D .0504 RECIPROCITY AGREEMENTS**  
**19A NCAC 03D .0505 FORMS**

*History Note:* Authority G.S. 20-1; 20-4.1 through 20-4.12; 20-49; 20-84.2; 20-91.1; 20-99; 20-118.1;  
Eff. July 1, 1978;  
Amended Eff. April 11, 1980;  
Repealed Eff. February 1, 1982.

**19A NCAC 03D .0506 REQUIREMENTS FOR LICENSE**  
**19A NCAC 03D .0507 LICENSES ISSUED**  
**19A NCAC 03D .0508 DENIAL: SUSPENSION OR REVOCATION OF LICENSE**  
**19A NCAC 03D .0509 OPERATION OF SAFETY EQUIPMENT INSPECTION STATIONS**  
**19A NCAC 03D .0510 INSPECTION PROCEDURES**  
**19A NCAC 03D .0511 INSPECTION OF MOTORCYCLES: MOTOR SCOOTERS AND MOTOR BIKES**  
**19A NCAC 03D .0512 PROCEDURE FOLLOWING VEHICLE INSPECTION**

**19A NCAC 03D .0513    INSPECTION CERTIFICATES ISSUED BY OTHER JURISDICTIONS**  
**19A NCAC 03D .0514    FORMS**

*History Note:*    *Authority G.S. 20-1; 20-103.8; 20-117.1(a); 20-122; 20-122.1; 20-123.1; 20-124; 20-125; 20-125.1; 20-126; 20-127; 20-128; 20-128.1; 20-129; 20-129.1; 20-130; 20-130.1; 20-130.2; 20-130.3; 20-131 through 20-134; 20-183.2; 20-183.3; 20-183.4; 20-183.5; 20-183.6; 20-183.6(b); 20-183.7; 20-183.8; 20-183.8(a); 20-183.8(b); 200-83.8(b); Eff. March 1, 1982; Repealed Eff. January 1, 1983.*

**19A NCAC 03D .0515    SAFETY INSPECTION LICENSING AND PROCEDURES**

*History Note:*    *Authority G.S. 20-1; 20-117.1(a); 20-122; 20-122.1; 20-123.1; 20-124; 20-125; 20-125.1; 20-126; 20-127; 20-128; 20-128.1; 20-129; 20-129.1; 20-130; 20-130.1; 20-130.2; 20-130.3; 20-131 through 20-134; 20-183.2; 20-183.3; 20-183.4; 20-183.5; 20-183.6; 20-183.7; 20-183.8; Eff. January 1, 1983; Amended Eff. July 1, 1992; October 1, 1991; October 1, 1989; November 1, 1988; Repealed Eff. January 1, 1994 pursuant to 1991 S.L., c. 477, s. 3.*

**19A NCAC 03D .0516    SAFETY INSPECTION LICENSING AND PROCEDURES**

*History Note:*    *Filed as a Temporary Adoption Eff. April 25, 1994 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner; Authority G.S. 20-2; 20-39; 20-183.8; Codifier of Rules Objected to the Findings of Need for the Temporary Rule Eff. April 25, 1994; Temporary Adoption Expired October 22, 1994.*

**19A NCAC 03D .0517    DEFINITIONS**

For purposes of this Section and Article 3A of Chapter 20 of the North Carolina General Statutes, these words and phrases shall have the following meanings, except in those instances where the context indicates a different meaning:

- (1) Abbreviations used in these Rules shall have the following meanings:
  - (a) CO - Carbon monoxide;
  - (b) GVWR - Gross Vehicle Weight Rating;
  - (c) HC-Hydrocarbons;
  - (d) PSI - Pounds Per Square Inch;
  - (e) NOx - Nitrogen Oxides; and
  - (f) PPM - Parts Per Million.
- (2) Ambient Light: That portion of the atmosphere surrounding human, animal, and plant life.
- (3) Base: The place where a vehicle is dispatched from, garaged, serviced, maintained, operated, or otherwise controlled. If any vehicle is located in or operated from a county participating in the safety emission program for a period of 30 days, said vehicle shall be considered based within that county.
- (4) Certified Inspection Mechanic: A person who has completed the courses required by G.S. 20-183.4(c) and 20-183.4A, passed a written examination approved by the License and Theft Bureau, and been issued a safety inspection mechanic license or a safety and emission inspection mechanic license by the Bureau.
- (5) Crankcase Emissions: Air pollutants emitted into the atmosphere from any portion of the engine crankcase ventilation or lubrication system.
- (6) Current Year Model: The production period of new motor vehicles as designated by the manufacturer in the calendar year in which the period ends. If the manufacturer does not designate a production period, the model year shall mean the 12-month period beginning January of the year in which production began.
- (7) Diagnostic Equipment: Tools or machines used to diagnose engine performance.
- (8) Emission: The act of a motor vehicle emitting into the atmosphere any air pollutants including carbon monoxide, hydrocarbons, or nitrogen oxides.

- (9) Emissions Analyzer: An approved device used to evaluate the vehicle emission control system to ensure operation in accordance with the manufacturer's specifications that electronically records and transmits safety and emissions inspection data to the State. An approved device is considered a device that meets the certification requirements as defined by the Department of Environmental Quality Specifications for the North Carolina Analyzer found at <https://deq.nc.gov/about/divisions/air-quality/motor-vehicles-air-quality/inspection-maintenance-program/analyzer-vendor-information>.
- (10) Established Place of Business for Safety and Emissions Inspection: A permanent structure operated by a licensee that meets the requirements set forth in G.S. 120-183.4 to test and inspect motor vehicles and the offices of a licensed safety inspection or emissions inspection station that provides a locked place for maintaining records. The business shall be open during its business hours to conduct safety inspections and emissions tests and make available to License and Theft Bureau staff all records and required equipment for examination and testing.
- (11) Exhaust Emissions: Air pollutants emitted into the atmosphere from any opening downstream from the exhaust parts of a motor vehicle engine.
- (12) Heavy Duty Motor Vehicle: A motor vehicle which is designed primarily for:
  - (a) the transportation of property and which is rated at more than 8,500 GVWR;
  - (b) the transportation of persons and which has a capacity of more than 12 persons;
  - (c) use as a recreational motor vehicle which is rated at more than 8,500 GVWR; or
  - (d) use as an off-road utility vehicle.
- (13) Inspection: The safety inspection or emissions inspection of motor vehicles required by G.S. 20, Article 3A, Part 1 and Part 2.
- (14) Inspection Laws: G.S. 20, Article 3A, Part 1 and Part 2 and rules adopted by the Commissioner of Motor Vehicles.
- (15) Inspection/Maintenance (I/M): A strategy to reduce emissions from in-use motor vehicles by identifying vehicles that need emission related maintenance and requiring that such maintenance be performed.
- (16) Inspection Period: The period of time a motor vehicle is required to be inspected. To be a current inspection, a motor vehicle may be inspected up to ninety days prior to the last day of the month in which the registration on the vehicle expires pursuant to G.S. 20-183.4C. Motor vehicles not previously registered in this State shall be exempt for a period of 12 months.
- (17) License: In accordance with G.S. 20-183.4 and 20-183.4A, the license issued by the Commissioner of Motor Vehicles which is required for a person to operate a safety inspection or emission inspection station.
- (18) Light Duty Motor Vehicle: A motor vehicle which is designed primarily for:
  - (a) transportation of property and which is rated at or less than 8,500 GVWR by the manufacturer; or
  - (b) use in the transportation of persons and which has a capacity of 12 persons or fewer.
- (19) Light Transmittance Measuring Device or Light Meter, Unit, or Device: A photometer capable of measuring the net transmittance of a window or windshield for light at 560 nm with a variance of no more than 20 nm.
- (20) Motorcycle: A motor vehicle as defined under G.S. 20-4.01(22).
- (21) Multipiece Photometer: A photometer in which the light source and light detector are mechanically separate units that can be positioned on opposite sides of a fixed window or windshield.
- (22) Net Transmittance: The luminous transmittance over the 560 nm with a variance of 20 nm wavelength range, including the effects of Fresnel (surface) reflections.
- (23) Recreational Motor Vehicle: As set forth in G.S. 20-4.01(32b), A vehicle which is designed primarily to provide temporary or permanent living quarters for travel, camping, or other recreational use.
- (24) Revocation: In accordance with G.S. 20-183.7A, the termination of a license issued by the License and Theft Bureau to a safety inspection and emission inspection station.
- (25) Inspection Analyzer: A device used to evaluate, electronically record and transmit inspection data to the State. An approved device is considered a device that meets the certification requirements as defined by the License and Theft Bureau or the Department of Environmental Quality Specifications for the North Carolina Analyzer System. Certification requirements can be found on the Department of Environmental Quality's website at <https://deq.nc.gov/about/divisions/air-quality/motor-vehicles-air-quality/inspection-maintenance-program/analyzer-vendor-information>.
- (26) Section: The License and Theft Bureau of the Division of Motor Vehicles.
- (27) Self-Inspector: A person, firm or corporation licensed by the License and Theft Bureau for the purpose of inspecting only those vehicles owned or operated by such person, firm, or corporation.



- (28) Station: A place of business licensed by the Commissioner of Motor Vehicles to conduct inspections of motor vehicles as required by the inspection laws.
- (29) Suspension of Safety/Emission License: In accordance with G.S. 20-183.7A and Rule .0522 of this Section, the temporary withdrawal of a license issued by the Division of Motor Vehicles to a safety inspection and emission inspection station for a definite period of time.
- (30) Tampering: Rendering inoperative, or the intentional maladjustment of any device installed on a motor vehicle designed or intended to control the amount of emissions from a vehicle.
- (31) Waiver: A document issued by the Commissioner of Motor Vehicles or his designated agent exempting a particular motor vehicle from the requirements of the emission inspection.

*History Note: Authority G.S. 20-2; 20-4.01(32b); 20-39; 20-183.2; 20-183.4; 20-183.4A; 20-183.5; 20-183.5A; 20-183.7A; 20-183.8A;*  
*Temporary Adoption Eff. November 1, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;*  
*Eff. October 1, 1994;*  
*Amended Eff. July 1, 2010; February 1, 1996;*  
*Readopted Eff. September 1, 2021.*

#### **19A NCAC 03D .0518 LICENSING OF SAFETY OR EMISSIONS INSPECTION STATIONS**

(a) An application for licensing as a Safety Equipment or Safety Equipment Emissions Inspection Station shall be made on forms furnished by the Division of Motor Vehicles and filed with the License and Theft available at <https://connect.ncdot.gov/business/DMV/Pages/Inspection-Stations.aspx>. Form LT-300 requires the following:

- (1) inspection station name, address, county, and telephone number;
- (2) type of license required including public or self-inspection station and the number of vehicles operated by the business;
- (3) type of station;
- (4) type of business;
- (5) if individually owned business or partnership, applicants shall list name and residence address of owner or partners;
- (6) name of owner, corporation or partner;
- (7) owner, corporation or partner driver license number and address;
- (8) listing of certifiable or certified technicians with a valid driver license applying;
- (9) notification if any member of the partnership or officer of the corporation has ever had a license under this law refused, suspended, or revoked;
- (10) notification if any member of the partnership or officer of the corporation has ever been licensed as an inspection station;
- (11) signature of applicant;
- (12) designate an individual who is responsible for the day-to-day operation of the station; and
- (13) acknowledgement and signature of notary public.

(b) An applicant for licensing for a Safety Equipment or Safety Equipment Emissions Inspection Station shall have:

- (1) an area used primarily for repair of motor vehicles;
- (2) a minimum of 45 lineal feet of level floor surface at least 10 feet wide when using a light chart for testing lights, or a minimum of 25 lineal feet of level floor surface a minimum of 10 feet wide when using a light testing machine. An inspection station shall not have dirt floors;
- (3) an area enclosed to permit an inspection at all times regardless of weather conditions. Trailers may be inspected outside of the enclosed area as long as attached to the prime mover;
- (4) if a light chart is used to check lights, there shall be parallel lines at least three feet long painted on the floor surface 25 feet from the chart; and
- (5) licensed inspection stations are not required to conduct inspections on equipment as required in Rule .0519 of this Section.

(c) An applicant for licensing for a Safety Equipment Inspection Station inspecting only motorcycles shall have:

- (1) an area used primarily for repair of motorcycles;
- (2) an area enclosed to permit an inspection at all times regardless of weather conditions. An inspection station shall not have dirt floors; and

- (3) if a light chart is used to check lights, there shall be parallel lines at least 3 feet long painted on the floor surface 25 feet from the chart.

*History Note:* Authority G.S. 20-2; 20-39; 20-183.4; 20-183.4A;  
Eff. October 1, 1994;  
Amended Eff. July 1, 2010;  
Readopted Eff. September 1, 2021.

#### **19A NCAC 03D .0519 STATIONS**

- (a) Licensed safety inspection and emissions inspection stations shall keep the area where vehicles are inspected and the area where inspection records are kept, as required by G.S. 20-183.6A(b), free of spills, debris, materials that may present a hazard to the inspector mechanic or the vehicle, obstructions that inhibit inspection of vehicles, or present safety concerns for inspectors of the License and Theft Bureau. All vehicles shall remain in the inspection area during the entire inspection.
- (b) Stations with only a 25-foot lineal inspection lane shall not inspect trucks or other vehicles exceeding that length.
- (c) Stations with mechanical aimers shall not inspect vehicles with headlamps that were not manufactured to be aimed with this device. These headlamps shall be aimed with photoelectric eyes, wall charts, computerized headlight test equipment, or on-board headlight aiming devices.
- (d) Stations not equipped with an emission analyzer shall not inspect 1996 or newer gasoline powered motor vehicles registered or based in counties designated as non-attainment for air quality standards by either the North Carolina Department of Environmental Quality or U.S. Environmental Protection Agency. Stations may perform the safety equipment inspections on vehicles 1995 model year or older, diesel powered vehicles, motorcycles, trailers, and vehicles not previously titled.
- (e) Each station shall have equipment and tools for carrying out inspections, which include the following:
  - (1) one jack or lift with minimum capacity of two tons;
  - (2) one headlight tester, wall chart, or aiming kit adapters to fit all headlights;
  - (3) one workbench;
  - (4) one creeper;
  - (5) one tire tread depth gauge calibrated in 32nds of an inch;
  - (6) Emission Control System Application Manual in written or electronic format;
  - (7) one Department of Environmental Quality Emission Analyzer, with approved Division of Motor Vehicles software or an electronic device with the ability to connect to the Internet and access the web-based inspection system; and
  - (8) one active telephone line with jack or Internet access for Web Based stations.
- (f) Each station inspecting only motorcycles shall have equipment and tools for carrying out inspections, which include the following:
  - (1) one motorcycle jack or lift;
  - (2) one headlight tester or aiming kit adapters to fit all headlights;
  - (3) one workbench;
  - (4) one tire tread depth gauge (calibrated in 32nds of an inch);
  - (5) one Safety Inspection Analyzer with approved software by the North Carolina Department of Environmental Quality at <https://deq.nc.gov/about/divisions/air-quality/motor-vehicles-air-quality/inspection-maintenance-program/station-owner-inspector-information/software-versions>.
  - (6) an active telephone line with jack or Internet access for Web Based stations.

*History Note:* Authority G.S. 20-2; 20-39; 20-183.4; 20-183.4A;  
Eff. October 1, 1994;  
Amended Eff. July 1, 2010;  
Readopted Eff. September 1, 2021.

#### **19A NCAC 03D .0520 MECHANIC REQUIREMENTS**

- (a) An applicant for an inspection mechanic license and the owner of the inspection station shall sign their names on Action Form for Inspector/Mechanical Certification (LT-310) demonstrating they meet the requirements as set out in G.S. 20-183.4(c) and 20-183.4A(c). Form LT-310 requires the following:
  - (1) action requested to indicate new or renewal, adding an employer name, or changing an employer name;
  - (2) mechanic's name, driver license number, home phone number, and address;
  - (3) mechanic's race, sex, and date of birth;

- (4) mechanic's signature; and
  - (5) employer information including station number, telephone number, county, name of station, address, and signature of owner partner or officer.
- (b) Upon request by a law enforcement officer of the License and Theft Bureau, a licensed inspection mechanic shall demonstrate his or her knowledge, skills and abilities of the equipment used to perform an inspection, vehicle components, procedures, statutes and rules, pertaining to a safety and emissions inspection.

*History Note:* Authority G.S. 20-2; 20-39; 20-183.4; 20-183.4A(c); 20-183.6A;  
Eff. October 1, 1994;  
Readopted Eff. September 1, 2021.

#### **19A NCAC 03D .0521 LICENSING REQUIREMENTS**

(a) In order to be licensed as a North Carolina Safety Inspection Mechanic, an applicant shall meet the requirements set forth in G.S. 20-183.4(c). For purposes of G.S. 20-183.4(c)(1), the applicant shall complete the following:

- (1) attend and pass an eight-hour Safety Inspection Course offered by a North Carolina Community College; and
- (2) pass a written examination with a score of no less than 80 percent correct answers. No oral exams shall be allowed.

(b) An application for a safety inspection station or safety inspection mechanic license shall be approved or disapproved in accordance with G.S. 20-183.4, 20-183.4A, and 93-B-8.1. Each applicant approved shall be notified and furnished with the appropriate station license or inspection mechanic license. Inspection station licenses shall be valid only for the place of business set forth in the application.

(c) Each inspection station shall notify the License and Theft Bureau of the name and inspection license number of each inspection mechanic the station employs prior to allowing the inspection mechanic to perform any inspections at that station.

(d) The notice shall be on a form as outlined in Rule .0520 of this Section, supplied by the License and Theft Bureau, and shall be signed by the station owner and the inspection mechanic. If any licensed inspection mechanic leaves the employment of a safety equipment station, the inspection station shall notify the local License and Theft Bureau inspector within three days after the inspection mechanic's employment is terminated. An inspection mechanic license shall be valid only for the person in whose name it is issued.

(e) Pursuant to G.S. 143-215.107A, no Safety Inspection Station shall inspect any gasoline powered vehicle, excluding the three most recent model years with less than 70,000 miles, if the vehicle is registered or based in a county participating in the emission inspection program unless the station has an exhaust emission analyzer to conduct emissions inspections. Owners of vehicles registered in a county participating in the emission program but is based and operated outside the county may submit a request to the License and Theft Bureau for an exemption from the emission inspection. The request for an exemption shall contain confirmation that the vehicle for which the exemption is requested is registered in an emission inspection county, but is based and operated outside of the county in which it is registered. The License and Theft Bureau shall approve and issue a written exemption for the vehicle upon receipt of supporting documentation by the vehicle owner that shows the vehicle is based outside the registered county. A new exemption shall be requested and approved in accordance with this Rule for each inspection period. Safety Inspections stations may conduct the safety equipment inspection in lieu of a safety and emission inspection. Vehicles exempted from emission inspection because they are based outside of the county participating in the emission program shall have a copy of the approved exemption form in the vehicle at all times.

*History Note:* Authority G.S. 20-2; 20-39; 20-183.4; 20-183.4A; 93-B-8.1;  
Eff. October 1, 1994;  
Readopted Eff. September 1, 2021.

#### **19A NCAC 03D .0522 DENIAL, SUSPENSION OR REVOCATION OF LICENSES**

(a) Denial of License: The Commissioner of Motor Vehicles shall deny the application of any applicant for a Safety Equipment or Safety Equipment Emissions Inspection Station License who fails to meet the qualifications set out in G.S. 20, Article 3A, Part 2 or the rules in this Section. Applicants denied licensing shall be notified. An applicant who submits fraudulent or fictitious information with the application shall be denied a license. Persons who are denied a license shall be allowed a hearing in accordance with G.S. 20-183.8G. For applications denied pursuant to G.S. 93B-8.1, technicians and stations who have been denied a license shall not re-apply for 12 calendar months from last denial.

(b) Suspension or Revocation of License:

- (1) The license of any inspection station shall be subject to suspension or revocation when it or any of its personnel conducting inspections violates the rules in this Section or G.S. 20, Article 3A, Part 2. Any person, firm, or corporation whose license is suspended or revoked shall not inspect vehicles while its license is suspended or revoked. Every licensee whose license is suspended or revoked or who is assessed a civil penalty pursuant to G.S. 20-183.7A and G.S. 20-183.8B or who receives a warning letter from the License and Theft Bureau shall be allowed a hearing in accordance with G.S. 20-183.8G.
- (2) Prior to the reinstatement of a license of any Safety Equipment or Safety Equipment Emissions Inspection Station License, which has, by order of the Commissioner of Motor Vehicles, been revoked or suspended, the applicant shall demonstrate to the Commissioner or License and Theft Bureau staff that its employees have knowledge of the safety equipment or safety equipment emission inspection procedures and requirements described in the Rules in this Section and that the location is mechanically equipped to carry out inspections.
- (3) Prior to the reinstatement of a Safety and Emission Inspection Mechanic License, he or she shall meet the requirements set forth in G.S. 20-183.7A(e) and G.S. 20-183.8B(e). Proof of course attendance and passing a written test as set forth in Rule .0521 of this Section shall be presented to License and Theft Bureau staff.
- (4) Motor vehicle owners assessed civil penalties or fines shall be allowed a hearing in accordance with G.S. 20-183.8G. Motor vehicle owners requesting a hearing shall mail a written hearing request to the Commissioner of Motor Vehicles, 3101 Mail Service Center, Raleigh, NC 27699-3101.

*History Note:* Authority G.S. 20-2; 20-39; 20-183.7A(e); 20-183.8B(e); 20-183.8D; 20-183.8G; 93B-8.1;  
 Eff. October 1, 1994;  
 Amended Eff. November 1, 2016;  
 Readopted Eff. September 1, 2021.

#### **19A NCAC 03D .0523 OPERATION OF SAFETY OR EMISSIONS INSPECTIONS STATIONS**

(a) Safety or Emissions Inspection Stations shall post the following information:

- (1) Official Safety Equipment or Safety Equipment Emissions Inspection Procedure Poster;
- (2) Safety Equipment or Safety Equipment Emissions Inspection Station License, which shall be posted under a material that protects the information contained on the license from dirt and facing;
- (3) Mechanic licenses report issued by the North Carolina Division of Motor Vehicles; and
- (4) On the outside of its building or adjacent thereto, a sign in block letters at least four inches in height bearing the words: OFFICIAL INSPECTION STATION.

(b) Requirements for Licensed Inspection Mechanic. Licensed inspection mechanics may be required by authorized law enforcement officers of the Division to demonstrate knowledge pertaining to the Safety Equipment or Safety Equipment Emissions inspections in the presence of any such authorized officer.

(c) Location. Inspections shall be conducted only at the location shown on the inspection station's license and only in the designated inspection area. Trailers may be inspected outside of inspection area as long as they are attached to the engine unit.

(d) Vehicle presented to be inspected. Each station shall inspect any vehicle presented for inspection according to the year model, and type of engine except as provided in this section or when exempted from the emissions inspection by a waiver issued by the Commissioner of Motor Vehicles. Stations without the equipment required to inspect a motorcycle or a heavy duty vehicle are not required to conduct the inspection.

(e) Repairs. The owner or operator of a vehicle that has failed inspection, may obtain the necessary repairs to pass an inspection at any place he or she chooses. Inspection stations shall not require unnecessary repairs or in any manner attempt to require owners or operators of disapproved vehicles to have a vehicle repaired at the inspection station. Permission must be obtained before making any repairs or adjustments.

(f) Hours of operation. Except for State holidays, as set forth in 25 NCAC 01E .0901, each public station must be open for at least eight business hours, five days per week. Hours of operation must be posted outside of the business. A licensed inspection mechanic shall be on duty to conduct inspections during hours of operation.

*History Note:* Authority G.S. 20-2; 20-39; 20-183.4; 20-183.5;  
 Eff. October 1, 1994;  
 Readopted Eff. October 1, 2021.

#### **19A NCAC 03D .0524 INSPECTION STICKERS**

(a) Acquisition:

- (1) Licensed safety equipment or safety equipment exhaust emission inspection stations and self-inspectors shall procure stickers from the Division of Motor Vehicles and from no other source.
- (2) Orders for stickers shall be placed with a local agent of the Enforcement Section. Requests for stickers shall be accompanied by proper remittance. For safety equipment inspection stickers, the amount of one dollar (\$1.00) per sticker shall be required. For safety equipment exhaust emission stickers, two dollars and forty cents (\$2.40) per sticker shall be required. Orders for windshield stickers shall be placed in units of 50. Orders for motorcycles/trailers and non-windshield safety equipment exhaust emission inspection stickers shall be placed in units of ten. Safety Equipment or Safety Equipment Exhaust Emission Windshield Inspection Stickers shall be issued in books of 50.
- (3) Orders placed in person at the local office of the Enforcement Section shall be accompanied by written authorization from the station to which the stickers are to be issued, upon forms furnished by the Division, if the order is placed by other than the person in whose name the station is licensed.
- (4) All licensed stations shall keep inspection stickers and numeral inserts on hand at all times.
- (5) Licensed inspection stations and self-inspectors shall, upon request, be furnished forms required to be used by the rules in this Section. DMV Enforcement shall furnish forms to licensed inspection stations and self-inspectors.

(b) Application:

- (1) The inspection sticker shall be affixed only to vehicles inspected and approved in accordance with these Rules and G.S. 20, Article 3A, Part 2. Stickers must be affixed to approved vehicles within the inspection area of the inspection station by the person conducting the inspection. The number of the sticker shall be recorded on the receipt and statement. No person shall furnish, give, lend, or sell to any owner or operator of a motor vehicle or to any other person, or place in or on any vehicle an inspection sticker unless such vehicle has been inspected and approved in accordance with these Rules and G.S. 20, Article 3A, Part 2.
- (2) When any motor vehicle to be inspected under the Safety Equipment Act bears a prior inspection sticker, such prior inspection sticker may not be removed from the vehicle until such vehicle has passed inspection, is approved, and is ready to have the new sticker affixed. If the vehicle being inspected is rejected, the old sticker is to remain affixed until the defects causing rejection have been corrected and the vehicle has been reinspected and approved. Every licensed inspection mechanic upon approving any motor vehicle shall remove the prior inspection sticker before affixing the new inspection sticker.
- (3) An inspection sticker shall be placed upon the approved vehicle on the inside of the windshield at the bottom of the left side so that the left edge of the sticker is no more than one inch from the left edge of the windshield. For vehicles without windshields the motorcycle/trailer or non-windshield safety equipment or safety equipment exhaust emission sticker shall be used. The sticker shall be placed on the left side of the vehicle as near as possible to the front. Prior to affixing the windshield type sticker the inspection mechanic shall attach to the sticker the appropriate numeral inserts indicating the month and year of expiration. The inspection mechanic shall enter on the sticker in the appropriate spaces the date of inspection, the odometer mileage as taken from the vehicle at the time inspection is performed, the inspection mechanic's name, and the inspection station's license number. This information shall be entered on the windshield type inspection sticker with a ball point pen or a laundry marking pen. Glass/plastic windshields require a platform to prevent damage to the windshield. The inspection sticker shall be affixed to the platform; when the sticker is removed from the windshield it shall no longer be valid. Prior to affixing the motorcycle/trailer or non-windshield safety/emission sticker the inspection mechanic must punch the inspection sticker with a 1/4 inch punch indicating the month inspection performed and year of expiration.
- (4) All safety equipment or safety equipment exhaust emission inspection stations shall be issued two types of stickers. The stickers shall be of different color and shall be affixed to the proper vehicle according to the type of inspection required.
- (5) The following tables indicate month and year of inspection:

Month Number Inserts:

1 vehicle inspected in January  
 2 vehicle inspected in February  
 3 vehicle inspected in March  
 4 vehicle inspected in April  
 5 vehicle inspected in May  
 6 vehicle inspected in June  
 7 vehicle inspected in July

Year Number Inserts:

95 vehicle inspected in 1994  
 96 vehicle inspected in 1995  
 97 vehicle inspected in 1996  
 98 vehicle inspected in 1997  
 99 vehicle inspected in 1998  
 00 vehicle inspected in 1999  
 01 vehicle inspected in 2000

8 vehicle inspected in August  
9 vehicle inspected in September  
10 vehicle inspected in October  
11 vehicle inspected in November  
12 vehicle inspected in December

02 vehicle inspected in 2001  
03 vehicle inspected in 2002  
04 vehicle inspected in 2003  
05 vehicle inspected in 2004  
06 vehicle inspected in 2005

(c) Control:

- (1) Licensed inspection stations and self-inspectors are strictly accountable for inspection stickers in their possession. Any licensed inspection station losing or not accounting for any inspection sticker shall be subject to revocation or suspension of inspection station license as provided by these Rules. Stickers shall be locked in a safe place to guard against loss or theft.
- (2) Upon discovery of a loss or theft of any inspection stickers, station owners and self-inspectors must as soon as practicable report such loss or theft to the Enforcement Section, Motor Vehicles Building, 1100 New Bern Avenue, Raleigh, North Carolina, 27697. Oral reports shall be made upon discovery of loss or theft by the quickest means available to the local Enforcement Section Inspector.
- (3) Inspection stations and self-inspectors shall not furnish, give, loan or sell inspection stickers to any other licensed inspection station or self-inspector.
- (4) Inspection stickers shall not be transferred or reissued. They shall only be affixed to the vehicle as designated on the receipt and statement, and only when a complete inspection of the vehicle confirms it meets requirements for approval.
- (5) Each inspection station and self-inspector shall protect stickers from larceny or damage. No refund shall be allowed for stolen, soiled, lost, or torn stickers and the count of the Division for returned stickers shall be accepted as final. All unused stickers must be accounted for. A refund shall be made for expired motorcycle/trailer stickers. A request for refund along with unused stickers must be mailed to the Enforcement Section, Division of Motor Vehicles, 1100 New Bern Avenue, Raleigh, North Carolina, 27697, between January 1st and January 31st of the following year. Refunds shall not be permitted for expired stickers postmarked after January 31st. Unused stickers for which a refund is not requested must be retained in a safe place until audited and destroyed by an agent of the Enforcement Section.
- (6) All inspection supplies, unused stickers, copies of receipts and statements pertaining to the issuance of stickers, all bulletins and all forms issued by the Division of Motor Vehicles pursuant to the carrying out of the Motor Vehicle Inspection Program are the property of the Division of Motor Vehicles and shall be treated as such by any inspection station. Upon suspension or revocation of any safety equipment or safety equipment exhaust emission inspection station license or whenever any licensee voluntarily surrenders such license or ceases to do business, all items held by such licensee in carrying out the inspection shall be surrendered to the Division of Motor Vehicles. Such items shall be inventoried by the designated agent of the Division of Motor Vehicles and shall be receipted upon surrender. Refunds for unused stickers shall be made by check from the Division of Motor Vehicles in Raleigh.

(d) Requirement of records:

- (1) Monthly report forms. Each licensed safety equipment inspection station and each licensed safety equipment self-inspector shall maintain at the station a monthly inspection report sheet listing the beginning and ending numbers for each series of stickers issued for vehicles inspected upon forms furnished by the Division. A total of all defects and repairs and charges listed on the receipt and statements shall be recorded in the appropriate column of the monthly inspection report. This report shall be completed in duplicate and the original forwarded to the Enforcement Section, North Carolina Division of Motor Vehicles, monthly on or before the 10th of the month following the month for which it was completed. The second copy shall be retained by the station for a period of at least 18 months.
- (2) Receipt and statement. Licensed Safety Equipment or Safety Equipment Exhaust Emission inspection stations shall furnish the operator of each vehicle inspected the original copy of the "Receipt and Statement" indicating that the vehicle has been inspected and indicating thereon the items approved or disapproved. The second copy shall be retained by the inspection station for at least 18 months following the inspection.
- (3) Records available. Each safety equipment or safety equipment exhaust emission inspection station shall maintain records required and such records shall be made available for inspection by any law enforcement officer, upon demand, during normal business hours.

*History Note:* Authority G.S. 20-2; 20-39; 20-183.6A;

*Eff. October 1, 1994;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03D .0525 PRE-INSPECTION REQUIREMENTS**

Prior to performing an inspection, the inspection mechanic shall:

- (1) Have all occupants leave the vehicle;
- (2) Request that the operator produce the current registration card for the vehicle;
- (3) Enter applicable information in all data fields prompted by the analyzer or inspection program and as needed to conduct the classification of inspection, safety, or safety and emissions. The use of a one-dimensional bar-code scanner capable of reading vehicle identification numbers and information printed on vehicle registration shall be used for data entries to reduce errors. In the event the barcode on the registration card is not readable or the vehicle owner is unable to produce a registration card, the inspector mechanic shall enter the information by scanning the public vehicle identification number through the vehicle windshield or on the Federal Certification Label. If the vehicle identification number cannot be scanned through any of the methods listed in this Item, or if the station is not equipped with a bar code scanner, the inspector mechanic shall manually enter the VIN through keyboard entry. In instances where the vehicle does not have a license plate, "none" shall be entered in the field. If the inspected vehicle is owned by a dealership and part of the dealer's inventory, the dealer number, followed by a "D" shall be entered in the license plate field.

*History Note: Authority G.S. 20-2; 20-39; 20-183.2; 20-183.6A;*

*Eff. October 1, 1994;*

*Codifier determined that agency did not meet criteria for temporary rule Eff. September 24, 1997;*

*Temporary Amendment Eff. November 1, 1997;*

*Amended Eff. August 1, 1998;*

*Readopted Eff. October 1, 2021.*

#### **19A NCAC 03D .0526 SAFETY EQUIPMENT, EMISSIONS INSPECTION, AND EMISSION CONTROLS TAMPERING EVALUATION**

During the safety or safety and emissions inspection of a vehicle, the inspection mechanic shall enter the information set forth in this Rule into the analyzer or inspection program when evaluating the condition of each inspected item:

- (1) Safety and emission inspection grading:
  - (a) For those items that are inspected, approved, and in operational condition, the letter "P" for "passed" shall be placed in the appropriate block as indicated by the inspection analyzer.
  - (b) For those items that are inspected and not approved, the letter "F" for "failed" shall be placed in the appropriate block as indicated by the inspection analyzer.
  - (c) For those items that were not approved and corrected, the letter "C" for "corrected" shall be placed in the appropriate block as indicated by the inspection analyzer.
  - (d) For those items that do not apply to the vehicle inspected, the letter "N" for "not applicable" shall be placed in the appropriate block as indicated by the inspection analyzer.
- (2) Emission controls tamper check:
  - (a) For those vehicles inspected and not originally equipped with the emission control devices as listed, "Not Applicable" shall be indicated.
  - (b) For those vehicles equipped with the item, it is connected, and in operable condition, "Passed" shall be indicated.
  - (c) For those vehicles that the required emission control equipment has been disconnected, removed, made inoperable, or if emission component simulators are installed, "Failed" shall be indicated.
  - (d) For those vehicles that the emission equipment that was disconnected, removed, or inoperable is repaired or replaced, "Corrected" shall be indicated.

*History Note: Authority G.S. 20-2; 20-39; 20-183.2; 20-183.4D; 20-183.6A;*

*Eff. October 1, 1994;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018;*

*Amended Eff. October 1, 2021.*

**19A NCAC 03D .0527 EXHAUST EMISSION CONTROLS TAMPERING CHECK**  
**19A NCAC 03D .0528 SAFETY EQUIPMENT EXHAUST EMISSION INSPECTIONS**

*History Note: Authority G.S. 20-2; 20-39; 20-183.2; 20-183.4D; 20-183.6A;*  
*Eff. October 1, 1994;*  
*Repealed Eff. October 1, 2021.*

**19A NCAC 03D .0529 CERTIFICATION**

When the vehicle receives a passing inspection result, the inspection mechanic shall:

- (1) finalize the inspection process in the analyzer or inspection program by entering all required data, then following the steps necessary to transmit the data to the State vehicle inspection database;
- (2) collect fees as described in G.S. 20-183.7; and
- (3) sign and give the original Receipt and Statement form to the operator or owner.

*History Note: Authority G.S. 20-2; 20-39; 20-183.4D; 20-183.7;*  
*Eff. October 1, 1994;*  
*Readopted Eff. October 1, 2021.*

**19A NCAC 03D .0530 DISAPPROVAL**

If a vehicle inspected is disapproved, the inspection mechanic at the end of the total inspection shall advise the owner or operator of the defect or defects found during the inspection. Repairs shall only be made at the request of the owner or operator. Upon completion of authorized repairs, the inspection mechanic shall require the owner or operator of the vehicle that gave approval for the repairs to sign the inspection receipt. If the owner or operator requests the repairs to be made at some other location, then the inspection mechanic conducting the inspection shall:

- (1) Provide the customer with the Vehicle Inspection Receipt and Statement signed by the inspection mechanic; showing the vehicle Failed.
- (2) Collect fees as prescribed in G.S. 20-183.7; and
- (3) After giving the owner or operator the original copy of the Vehicle Inspection Receipt and Statement explain to the owner or operator he or she has 60 days to bring the vehicle back to the inspection station for reinspection at no charge when the vehicle was disapproved for either safety or emissions defects.

*History Note: Authority G.S. 20-2; 20-39; 20-183.4D; 20-183.5; 20-183.7;*  
*Eff. October 1, 1994;*  
*Readopted Eff. October 1, 2021.*

**19A NCAC 03D .0531 REINSPECTION**

- (a) A vehicle that is inspected at an inspection station and fails is entitled to be reinspected at the same station any time within 60 days of the failed inspection without paying another inspection fee.
- (b) If the vehicle is approved following reinspection, the inspection mechanic shall check the appropriate block on the analyzer. The inspection mechanic shall collect the authorization fee as set forth in G.S. 20-183.7.

*History Note: Authority G.S. 20-2; 20-39; 20-183.3(c); 20-183.7;*  
*Eff. October 1, 1994;*  
*Readopted Eff. October 1, 2021.*

**19A NCAC 03D .0532 BRAKES**

No vehicle brakes shall be approved for an inspection unless the items indicated in this Rule are inspected and found to meet the minimum requirements established in G.S. 20-124 and this Rule.

- (1) Footbrakes shall not be approved if:
  - (a) when applying brakes to the moving vehicle, the braking force is not distributed evenly to all wheels originally equipped with brakes by the manufacturer. The inspection mechanic must drive the vehicle to make this test. The inspector may check the brakes while driving vehicle forward into the inspection area.



- (b) there is audible indication (metal on metal) that the brake lining is worn to the extent that it is no longer serviceable; The wheel must be pulled and the brake lining examined when this occurs.
  - (c) pedal reserve is less than one third of the total possible travel when the brakes are fully applied, or does not meet the manufacturer's specification for power brakes or air brakes;
  - (d) the reservoir of the master cylinder is not full; Only brake fluid meeting SAE specifications for heavy duty hydraulic brake fluid shall be used when adding or changing brake fluid.)
  - (e) there is a visible leakage or audible seepage in hydraulic, vacuum or air lines and cylinders, or visible cracked, chafed, worn, or weakened hoses;
  - (f) the vehicle has any part of the brake system removed or disconnected, the brake lines and hoses do not meet the manufacturer's specifications, or are made of a material not approved for motor vehicles; or
  - (g) once applied, and while holding pedal pressure for one minute, the brake pedal gradually moves toward the toeboard, indicating fluid leakage.
- (2) Except as provided in Sub-item (1)(b) of this Rule, inspection mechanics are not required to remove the wheels of a vehicle to examine the condition of the brakes. An inspection mechanic shall raise vehicles to check the underside of a vehicle, including the applicable brake components list in this Rule.
- (3) Auxiliary, parking, or holding handbrakes shall not be approved if:
- (a) there is no lever reserve when the brake is fully applied;
  - (b) cables are visibly frayed or frozen; there are missing or defective cotter pins; there are broken or missing retracting springs; or there are worn rods or couplings;
  - (c) the operating mechanism, when fully applied, fails to hold the brakes in the applied position without manual effort; and
  - (d) when emergency or handbrakes are applied, without depressing the accelerator, they fail to hold vehicle.

*History Note:* Authority G.S. 20-2; 20-39; 20-183.3(a)(1);  
 Eff. October 1, 1994;  
 Readopted Eff. October 1, 2021.

#### **19A NCAC 03D .0533 LIGHTS**

- (a) Headlights shall conform to the requirements of G.S. 20-129(b) and (c). Headlights shall not be approved if:
- (1) there are not at least two headlamps, or at least four on dual headlamp systems. Motorcycles and motor driven cycles need only one headlamp;
  - (2) the headlamp lens or light produces other than a white or yellow light;
  - (3) any lens or reflector is cracked, broken, discolored, or missing;
  - (4) the high beam-low beam dimmer switch does not operate or the high beam indicator light does not burn on vehicles manufactured after January 1, 1956;
  - (5) lights can be moved by hand, due to a broken fender or loose support, or if a good ground is not made by the mounting;
  - (6) foreign materials, such as shields or painted lenses, are placed on the headlamp lens that interferes with light beam of lamp;
  - (7) using a headlight testing device that meets Society of Automotive Engineers standards or light testing chart that is approved by the Division, lights are improperly aimed;
  - (8) lights project a dazzling or glaring light when on low beam as defined in G.S. 20-131(b); and
  - (9) the vehicle is equipped with headlamps that change the original design or performance of the headlamps; or do not comply with Federal Motor Vehicle Safety Standard No. 108, as adopted by the National Highway Traffic Safety Administration.
- (b) Rear Lights shall conform to the requirements of G.S. 20-129(d). Taillights shall not be approved if:
- (1) all original equipped rear lamps or the equivalent are not in working order;
  - (2) the lens is cracked or discolored, the lens or light projects a color other than red, or is covered by a foreign material, such as shields or painted lenses. Cracks on lenses shall not lead to disapproval unless water is likely to short out the bulb;
  - (3) they do not operate and project white light on the license plate; and
  - (4) they are not mounted.
- (c) Stoplights shall conform to the requirements of G.S. 20-129(g). A stoplight shall not be approved if:

- (1) the lens is cracked, discolored, or the lens or light projects a color other than red or amber, or is covered by a foreign material such as shields or painted lenses. Cracks on lenses shall not lead to disapproval unless water is likely to short out the bulb;
  - (2) it does not come on when pressure is applied to foot brake; and
  - (3) it is not mounted so as to project a light to the rear.
- (d) Vehicles shall have the lights as required by G.S. 20-129.1.
- (e) Parking lights shall conform to the requirements of G.S. 20-134. A vehicle shall not be approved if parking lights are not working or covered by a foreign material, such as shields or painted lenses.
- (f) A motor vehicle that was originally equipped with back-up lamps, lamps, must have those lamps maintained in operating condition. Backup lamps shall not be lighted when the motor vehicle is in a forward motion, nor shall the backup lamp emit any color other than white.

*History Note:* Authority G.S. 20-2; 20-39; 20-131(a)(b); 20-183.3;  
 Eff. October 1, 1994;  
 Readopted Eff. October 1, 2021.

#### **19A NCAC 03D .0534 HORN**

- (a) In addition to the requirements set forth in G.S. 20-125, the horn shall not be approved if:
- (1) it will not emit a sound audible for a distance of at least 200 feet. Original equipment, operating as intended by the manufacturer, shall meet these requirements. Air horns shall not be substituted for original equipment.
  - (2) the wiring or wiring harness has been frayed, been damaged, is broken, or is missing wiring; the horn button is not mounted to the motor vehicle or is not positioned within the driver's reach; or
  - (3) operation of the horn interferes with the operation of any other mechanism.
- (b) Vehicles equipped with sirens shall not be approved unless they are within the class listed in G.S. 20-125(b) as being authorized to carry a siren.

*History Note:* Authority G.S. 20-2; 20-39; 20-183.3;  
 Eff. October 1, 1994;  
 Readopted Eff. October 1, 2021.

#### **19A NCAC 03D .0535 STEERING MECHANISM**

- (a) The inspection mechanic must raise the vehicle to check the steering mechanism.
- (b) The steering mechanism shall not be approved if:
- (1) with front wheels in straight ahead position there is more than three inches of free play in steering wheels up to 18 inches in diameter or more than four inches of free play in steering wheels over 18 inches in diameter. If the vehicle is equipped with power steering, the engine must be operating;
  - (2) either front or rear springs are sagging or broken;
  - (3) the front wheels or front end assembly is loose, bent, or twisted; or bolts, nuts, or rivets are loose or missing;
  - (4) power steering system shows visible leaks or the power steering belt is loose or worn;
  - (5) vehicle frame or component of the steering mechanism is rusted to the point of mechanical failure; or
  - (6) shock or strut is leaking to the point of failure that will inhibit the steering of the vehicle.

*History Note:* Authority G.S. 20-2; 20-39; 20-183.3(a)(4);  
 Eff. October 1, 1994;  
 Readopted Eff. October 1, 2021.

#### **19A NCAC 03D .0536 WINDSHIELD WIPER**

Windshield wipers shall not be approved if:

- (1) the vehicle is not equipped with a windshield wiper or wipers, provided the vehicle has a windshield;
- (2) the wiper or wipers do not operate freely;
- (3) the wiper controls are not so constructed and located that the driver may operate them;
- (4) the wiper or wipers are not adequate to clean rain, snow, and other matter from the windshield; and
- (5) parts of blades or arms are missing or show evidence of damage.

*History Note:* Authority G.S. 20-2; 20-39; 20-183.3(a)(5);  
Eff. October 1, 1994;  
Readopted Eff. October 1, 2021.

#### **19A NCAC 03D .0537 DIRECTIONAL SIGNALS**

Vehicles required to have directional signals pursuant to G.S. 20-125.1, which does not include motorcycles, shall be disapproved if:

- (1) The vehicle is not equipped with signals by which the operator of the vehicle may indicate to other motorists approaching from a distance of 200 feet from the front or rear the operator's intentions to turn the vehicle;
- (2) all lights do not operate or if any lenses are broken, missing, or do not fit;
- (3) signal lens or light color is other than red or amber on the rear and other than white or amber on the front, and is covered by a foreign material, such as shields and painted lenses;
- (4) lamps are not mounted or wiring and connections are not working;
- (5) signals are not visible from front or back due to faulty or damaged mounting or due to the manner in which mounted; or
- (6) switch does not operate as designed by the manufacturer or is not located in a position that allows the operator to reach and operate the switch, or the switch that interferes with the operation of other mechanisms.

*History Note:* Authority G.S. 20-2; 20-39; 20-183.3(a)(6);  
Eff. October 1, 1994;  
Readopted Eff. October 1, 2021.

#### **19A NCAC 03D .0538 TIRES**

(a) A vehicle shall be disapproved if:

- (1) any tire has cuts or snags that expose the cords;
- (2) any tire has a visible bump, bulge, or knot related to tread or sidewall separation or partial failure of the tire structure including bead area; or
- (3) there is less than 2/32-inch tread at two or more locations around the circumference of the tire in two adjacent major tread grooves or if the tread wear indicators are in contact with the roadway at two or more locations around the circumference of the tire in two adjacent major tread grooves.

(b) Tire depth shall be measured by a tread depth gauge which shall be of a type calibrated in thirty-seconds of an inch. Readings for a tire with a tread design that does not have two adjacent grooves near the center shall be taken at the center of the tire around the circumference of the tire. Each tire must be completely lifted from the ground for an inspection to be performed.

*History Note:* Authority G.S. 20-2; 20-39; 20-183.3(a)(7);  
Eff. October 1, 1994;  
Readopted Eff. October 1, 2021.

#### **19A NCAC 03D .0539 TIRES - DEFINITIONS**

As used in this and Rule .0538 of this Section, these terms have the following meanings:

- (1) "Bead" is that part of the tire that is shaped to fit the rim. The bead is made of high tensile steel wires wrapped and reinforced by the plies.
- (2) "Cord" is made from textile, steel wire strands forming the plies or other structure of the tires.
- (3) "Groove" is the space between two tread ribs.
- (4) "Ply" is layers of rubber coated parallel cords forming the tire body.
- (5) "Rib" is the tread section running circumferentially around the tire.
- (6) "Rim" is a metal support for the tire or tire and tube assembly on the wheel. Tire beads are seated on the rim.
- (7) "Sidewall" is that portion of the tire between tread and bead.

*History Note:* Authority G.S. 20-2; 20-39; 20-183.(a)(7);

*Eff. October 1, 1994;*  
*Readopted Eff. October 1, 2021.*

**19A NCAC 03D .0540 REAR VIEW MIRRORS**

Rear view mirrors shall not be approved if:

- (1) There is any movement between the attachment bracket and the windshield;
- (2) Forward vision of the device is obstructed by mirror assembly;
- (3) They do not provide a view of the highway to the rear;
- (4) They are cracked, broken, have sharp edges or cannot be cleaned such that rear vision is not obscured;
- (5) They cannot be adjusted or will not maintain a set adjustment;
- (6) Bus, truck, or truck-tractor with a GVWR of 10,001 pounds or more is not equipped with a rear vision mirror on each side. If a vehicle is configured in such a way that the inside mirror is obstructed, a passenger side outside mirror is required; or
- (7) Vehicles manufactured, assembled, or first sold after January 1, 1966 are not equipped with outside rear view mirrors on the driver's side. The passenger's outside rear view mirror is not required equipment on passenger vehicles if an inside rear view mirror is present.

*History Note: Authority G.S. 20-2; 20-39; 20-183.3(a)(8);*  
*Eff. October 1, 1994;*  
*Readopted Eff. October 1, 2021.*

**19A NCAC 03D .0541 EXHAUST EMISSION CONTROLS**

(a) An exhaust emission shall not be approved if the vehicle is a 1968-year model or newer and any of the visible emission control devices placed thereon by the manufacturer are missing, disconnected, made inoperative, or as set forth in G.S. 20-128(d) have been altered without approval of the Department of Environmental Quality.

(b) If the unleaded gas restrictor on a vehicle manufactured after model year 1967 has been altered or removed a new or reconditioned catalytic converter and unleaded gas restrictor must be replaced before the vehicle shall pass inspection.

(c) An exhaust system shall not be approved if:

- (1) the vehicle has no muffler or other exhaust system of the type installed at the time of manufacture or does not operate as designed by the vehicle manufacturer;
- (2) the muffler, exhaust, or tail pipes have leaking joints;
- (3) the exhaust or tail pipes have holes, leaking seams, or leaking patches on muffler;
- (4) the tail pipe end is pinched;
- (5) the exhaust system is equipped with muffler cut-out or muffler by-pass; or
- (6) any part of the system passes through the passenger compartment.

*History Note: Authority G.S. 20-2; 20-39; 20-128; 20-183.3(a)(9);*  
*Eff. October 1, 1994;*  
*Readopted Eff. October 1, 2021.*

**19A NCAC 03D .0542 EMISSIONS CONTROL DEVICE**

Pursuant to G.S. 20-183.8A(a)(2), a civil penalty shall be assessed against individuals who instruct or allow a person to remove, disconnect, tamper with, or render inoperable any emissions control device equipped by the manufacturer of any motor vehicle as described in G.S. 20-183.3. These devices include:

- (1) Catalytic converter;
- (2) Unleaded gas restrictor;
- (3) Air pump system;
- (4) EGR valve;
- (5) PCV valve;
- (6) Thermostatic air cleaner;
- (7) Evaporative emission system; and
- (8) Oxygen sensor.

*History Note: Authority G.S. 20-2; 20-39; 20-183.8A;*  
*Eff. October 1, 1994;*

*Readopted Eff. October 1, 2021.*

**19A NCAC 03D .0543 INSPECTION PROCEDURE FOR EMISSIONS EQUIPMENT**

(a) In accordance with G.S. 20-183.2, vehicles required to receive a State safety inspection are also subject to an emission inspection if it is propelled or has the ability to be propelled by a gasoline-powered motor vehicle, registered or based in an emission county, and meets the following criteria:

- (1) the vehicle model year is within 20 years of the current year and older than the three most recent model years;
- (2) vehicles of the three most recent model years have more than 70,000 miles on the odometer; and
- (3) vehicle is not a heavy duty vehicle.

(b) The following requirements shall be adhered to by the license inspection station:

- (1) inspections shall be performed only with an analyzer and software that has been certified by the North Carolina Department of Environmental Quality (NCDEQ).
- (2) Requirements for keeping and submitting records are as follows:
  - (A) Copies of the Vehicle Inspection Receipt/Statement shall be removed from the analyzer at the time of download and filed with other business records and kept in sequence for review by the DMV Inspector during his or her audit. These copies of the Vehicle Inspection Receipt/Statement must be retained for 18 months; and
  - (B) Station owners shall maintain the analyzer printer in a condition that produces copies of the Vehicle Inspection Receipt/Statement that are clear and legible. Failure to comply shall result in an immediate lockout as set forth in Rule .0545 of this Section that will remain in effect until the printer has been replaced or corrected.

(c) The procedures for inspection shall be as follows:

- (1) The inspection mechanic shall perform the emission test utilizing an emission analyzer that conforms to the NC Department of Environmental Quality certification standards.
- (2) The inspection mechanic shall conduct the emission inspection by following the prompts of the analyzer and accurately completing all data fields with the applicable information.

(d) The owner or operator of a vehicle that suspects an emission analyzer provided incorrect results, may submit in writing to the Division of Motor Vehicles a request that the Division perform an emissions inspection on the vehicle so the results can be compared. If the test determines the vehicle to be in compliance with Emission Standards, the Division shall issue an exemption to the vehicle, not to exceed 12 months. The Division shall require an examination of the station analyzer in question and take corrective action.

*History Note: Authority G.S. 20-2; 20-39; 20-183.3;  
Eff. October 1, 1994;  
Readopted Eff. October 1, 2021.*

**19A NCAC 03D .0544 SAFETY INSPECTION OF MOTORCYCLES**

(a) Motorcycle brakes shall fail safety inspection if:

- (1) when applying brakes to moving vehicle, there is insufficient force to stop the vehicle;
- (2) brakes are worn in such a manner that there is an uneven braking force;
- (3) there is an audible or visual indication that the brake lining is worn to the extent it is no longer serviceable;
- (4) there is less than one-third reserve in either footbrake or handbrake total possible travel when the brakes are fully applied;
- (5) reservoirs of braking cylinders are not full;
- (6) there is a visible leakage of fluid from any brake line or brake component; or
- (7) handbrake cables are frayed, broken, or frozen or linkage is defective.

(b) Motorcycle headlamps shall fail safety inspection if:

- (1) headlamp does not operate or is a color other than white;
- (2) there are more than two headlamps connected on a single switch;
- (3) headlamp is cracked or has holes which allow entry of water;
- (4) there is standing water in the headlamp; or
- (5) headlamp is out of aim.

(c) Motorcycle rear lamps shall fail safety inspection if:

- (1) they do not operate;

- (2) light is a color other than red;
  - (3) lens is cracked or broken and allows entry of water;
  - (4) there is standing water in the lens;
  - (5) lamp is not mounted; or
  - (6) wiring is broken or frayed.
- (d) A motorcycle stop lamp shall fail safety inspection if:
- (1) lamp does not operate when brakes are applied;
  - (2) light is a color other than red or amber;
  - (3) lens is cracked or broken and allows entry of water;
  - (4) there is standing water in the lens;
  - (5) lamp is not mounted; or
  - (6) wiring is broken or frayed.
- (e) A motorcycle license plate light shall fail safety inspection if:
- (1) light does not operate;
  - (2) light does not illuminate the license plate; or
  - (3) light is a color other than white.
- (f) A motorcycle horn shall fail safety inspection if:
- (1) the horn does not operate;
  - (2) the sound emitted is not audible at 200 feet;
  - (3) the horn is not mounted; or
  - (4) the button is mounted so that it cannot be operated by the driver.
- (g) Motorcycle tires shall fail safety inspection if:
- (1) there is less than two thirty-seconds of an inch of tread at two or more locations around the circumference of the tire in two adjacent major tread grooves, or if the tread wear indicators are in contact with the roadway at two or more locations around the circumference of the tire;
  - (2) cords are exposed at any location on the tire; or
  - (3) sidewall is cut, bulging, damaged, or is cracked due to dry rotting.
- (h) Motorcycle rear view mirrors shall fail safety inspection if:
- (1) the mirrors are missing, broken, or cracked;
  - (2) the mirrors are not mounted; or
  - (3) the mirrors will not hold a setting while vehicle is in operation.
- (i) A motorcycle exhaust system shall fail safety inspection if:
- (1) the motorcycle has no muffler;
  - (2) the muffler, exhaust, or tailpipe have holes, leaking joints, seams, or patches;
  - (3) the tailpipe end is pinched;
  - (4) the exhaust system is equipped with a muffler cut out or bypass; or
  - (5) the muffler baffles have been removed or damaged to create a straight pipe.
- (j) A motorcycle steering mechanism shall fail safety inspection if:
- (1) front shocks are sagging or broken;
  - (2) front end assembly is loose, bent, or there are damaged or twisted bolts;
  - (3) front end nuts, bolts, or rivets are loose or missing.

*History Note: Authority G.S. 20-2; 20-39; 20-183.3;  
Eff. October 1, 1994;  
Readopted Eff. October 1, 2021.*

#### **19A NCAC 03D .0545 INVESTIGATION/AUDIT/SAFETY OR EMISSIONS INSPECTION STATIONS**

- (a) **Complaints To Be Investigated:** All complaints received by the Commissioner about any inspection station shall be investigated for the purpose of determining whether there has been a violation of the Rules of this Section and applicable General Statutes.
- (b) **Appropriate Enforcement Action To Be Taken:** When it appears from any investigation that the inspection law has been violated by an inspection station or its agents or employees, or by a self-inspector, the Commissioner shall take the appropriate enforcement action, which may include suspension or revocation of the station's license and inspector certifications.

(c) Report of Undercover Investigation: Periodic checks shall be made by undercover officers of the Division of Motor Vehicles routinely and upon receipt of complaints to determine compliance with inspection laws. If violations are detected, administrative action shall be taken by the Division of Motor Vehicles against the licensed station and the inspection mechanic.

(d) When an authorized agent of the Division of Motor Vehicles detects a violation, he or she shall require the owner or operator to discontinue all inspections and operations until he or she is in compliance and approved by the Division of Motor Vehicles Inspector.

(e) Compliance Audit: A DMV Inspector shall audit a station's compliance with the Rules of this Section. Violation of the equipment requirements shall result in lockout of the inspection analyzer. Lockouts shall remain in effect until the issue has been brought into compliance.

*History Note:* Authority G.S. 20-2; 20-39; 20-183.6A; 20-183.8D; 20-183.8F;  
Eff. October 1, 1994;  
Readopted Eff. October 1, 2021.

**19A NCAC 03D .0546 LICENSING TO REPLACE WINDSHIELD INSPECTION STICKERS**  
**19A NCAC 03D .0547 DENIAL/SUSP.OR REVOC/REGISTRATION TO REPLACE WINDSHIELD INSPECTION STICKER**  
**19A NCAC 03D .0548 OPERATION TO REPLACE WINDSHIELD INSPECTION STICKERS**

*History Note:* Authority G.S. 20-2; 20-39; 20-183.6;  
Eff. October 1, 1994;  
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.

**19A NCAC 03D .0549 APPROVAL AND DISAPPROVAL OF VEHICLES**

Vehicles shall not be disapproved for any reason other than those specified in 19A NCAC 03D .0533 through 03D .0553.

*History Note:* Authority G.S. 20-2; 20-39; 20-127; 20-183.2; 20-183.3; 20-183.6(a); 20-183.7(a);  
Eff. October 1, 1994;  
Temporary Adoption Eff. November 1, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
Amended Eff. February 1, 1996;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

**19A NCAC 03D .0550 WAIVERS FROM EMISSIONS TEST REQUIREMENTS**

(a) The Commissioner of Motor Vehicles, or License and Theft Bureau employees who are designated by the Commissioner, shall issue a written waiver from the applicable emissions test standards for any vehicle, except vehicles listed in Paragraph (g) of this Rule, if the waiver issuance criteria have been met.

(b) A written waiver shall be issued in accordance with this Rule upon request when all of the following criteria have been met:

- (1) the vehicle passed the safety portion of the inspection as shown by the vehicle inspection receipt completed by the licensed inspection station that performed the inspection;
- (2) the vehicle failed the emissions portion of the inspection as shown by the vehicle inspection receipt completed by the licensed inspection station that performed the inspection;
- (3) the vehicle is equipped with each emissions control device listed in Rule .0543 of this Section, if such device was equipped on the vehicle by the manufacturer. If the unleaded gas restrictor has been removed or rendered inoperable, the catalytic converter must be replaced;
- (4) qualifying repairs have been completed on the vehicle within 60 days following the initial failed emissions inspection. Proof of repairs must be shown by itemized and dated receipts from the person or business that provided the repair service or parts. Receipts for parts shall name the part and the stock number. For purposes of this Rule, "qualifying repairs" means repairs performed on a vehicle for the purpose of repairing the cause of the emissions inspection failure. A visual inspection of the vehicle shall be made by the designated License and Theft Bureau employee to determine if repairs were actually performed if, given the nature of the repair, this can be visually confirmed. For 1996 and later model year vehicles, qualifying

- repairs must be performed by a person who is professionally engaged in vehicle repairs or who is employed by a business whose purpose is vehicle repair or who possesses a certification from the National Institute For Automotive Service Excellence for emission-related diagnosis and repair;
- (5) the minimum repair expenditure applicable to the vehicle has been met by having qualifying repairs performed on the vehicle as follows:
    - (A) Only the costs of parts are applied toward the minimum repair expenditure, if the repairs are performed by the vehicle owner or by a person who is not professionally engaged in vehicle repairs. In addition, those who are not employed by a business whose purpose is vehicle repair or who does not possess a certification from the National Institute For Automotive Service Excellence for emission-related diagnosis and repair;
    - (B) For 1996 and later model year vehicles, the minimum repair expenditure is two hundred dollars (\$200.00), including parts and labor costs;
    - (C) The cost of repairs to correct or replace emissions control devices that have been removed, disconnected, or rendered inoperable shall not be applied toward the minimum repair expenditure for any vehicle, regardless of model year.
    - (D) The cost of diagnostic testing to determine whether the vehicle meets emissions standards shall not be applied toward the minimum repair expenditure unless associated with actual repairs to the vehicle; and
    - (E) Any available warranty coverage on the vehicle must be used to obtain the needed repairs before expenditures may be applied to the minimum repair expenditure.
  - (6) the vehicle owner has received a written denial of warranty coverage from the vehicle manufacturer or authorized dealer if the vehicle is within the statutory age and mileage coverage under section 207(b) of the Federal Clean Air Act 42-U.S.C. 7541(b); and
  - (7) after qualifying repairs have been completed and within 60 days after failing the initial emissions inspection, the vehicle failed another emissions inspection as shown by the vehicle inspection receipt completed by the licensed inspection station that performed the inspection.
- (c) The vehicle owner or person authorized by the owner must request the waiver and present the vehicle and current registration at the License and Theft Bureau office. The receipts and other documents required by Paragraph (b) of this Rule must be submitted to the designated License and Theft Bureau employee at the time of the request for a waiver.
- (d) The designated License and Theft Bureau employee shall review the receipts and documents submitted in connection with the waiver request and shall make a visual inspection of the vehicle to verify that the criteria listed in Paragraph (b) of this Rule have been met. If the License and Theft Bureau employee is satisfied that the waiver criteria have been met, the Division must issue a written waiver for the vehicle on a form provided by the Division.
- (e) The vehicle owner or person authorized by the owner must present the waiver to the licensed self-inspector or inspection station that performed the initial safety and emissions inspection. The inspection station shall reinspect the vehicle in accordance with the Rules of this Section, except for the emissions portion of the inspection. The waiver authorization number shown on the written waiver must be entered into the emissions analyzer. If the vehicle meets all other requirements of the inspection, the inspection station shall pass the vehicle inspection.
- (f) Each inspection station must maintain a copy of the written waivers for vehicles inspected and approved by the station for at least 18 months in the same manner and under the same conditions as other inspection records which are required to be maintained pursuant to G.S. 20-183.6A(b).
- (g) Waivers shall not be issued for vehicles that are owned, operated, or leased by a licensed self inspector.

*History Note: Authority G.S. 20-39; 20-183.5;  
 Eff. October 1, 1994;  
 Readopted Eff. October 1, 2021.*

#### **19A NCAC 03D .0551 WINDOW TINTING**

- (a) All stations performing window tinting inspections shall have a light meter or photometer which has been tested and approved by the Division of Motor Vehicles and that complies with Rule .0552 of this Section. Stations that do not have an approved light meter shall not inspect vehicles with applications of after-factory window tinting. Stations are not required to maintain a light meter in order to perform safety inspections on vehicles without after-factory window tinting.
- (b) Prior to initiating the inspection process, the inspection mechanic shall determine if the vehicle has after-factory window tinting by using an automotive film check card or knowledge of window tinting techniques. If the vehicle has after-factory



window tinting but the station does not have a light meter approved by the Division, the mechanic must inform the customer he or she is unable to perform the inspection. The station may not charge for any portion of the inspection.

(c) The inspector mechanic shall test the photometer calibration against a reference sample of glass provided by the manufacturer prior to testing the after factory window tinting. If the photometer's display is not functioning as designed by the manufacturer or the device exceeds the net light transmission calibration test by plus or minus three percentage points, the unit shall not be used until repaired. Guidelines for photometer calibration tests are as follows:

- (1) The reference glass sample must be clean and free of dirt prior to performing the calibration check.
- (2) If a reference glass sample has been broken or is missing, the test shall not be performed and the mechanic shall inform the customer he is unable to perform the inspection.

(d) The inspection mechanic shall perform all tests according to the photometer manufacturer's recommendations. Window tint shall fail safety inspection if:

- (1) Any window on the vehicle with after-factory tint has a light transmittance of less than 32 percent;
- (2) The tint on any window is red, yellow, or amber;
- (3) The tint on the windshield extends more than five inches below the top of the windshield or is below the AS1 line of the windshield, whichever measurement is longer; and
- (4) The light reflectance of a tinted window is not 20% or less.

(e) Window tinting on vehicles with after-factory window tint shall not be inspected if the vehicle is exempt from the window tinting restrictions under G.S. 20-127(c).

(f) The fee as specified in G.S. 20-183.7(a) for inspecting window tinting shall be charged for vehicles with after factory tint, unless the light transmission exceeds 65 percent.

*History Note: Authority G.S. 20-2; 20-39; 20-127; 20-183.7(a);  
Temporary Adoption Eff. November 1, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
Eff. February 1, 1996;  
Readopted Eff. October 1, 2021.*

#### **19A NCAC 03D .0552 PHOTOMETER DESIGN AND PERFORMANCE REQUIREMENTS**

(a) Multi-piece photometers shall be designed to be operated by one person on front windows, roll-down and non-roll-down side windows, and rear windows with up to 1/4-inch glass thickness. The multi-piece photometer shall have a three-digit digital readout capable of displaying from 00.0% to 99.9% transmittance with a resolution to the nearest 1/10 of 1%.

(b) The multi-piece photometer shall incorporate an automatic alignment feature or positive alignment indication such that the alignment of the transmitter and receiver are accomplished either automatically by respective devices or through an electronic noise indicating proper alignment, a light indicating alignment, or a feature that prevents readings being taken without the device being aligned. The automatic field of view of the transmitter and receiver shall be large enough to provide an accurate reading of the true net transmittance of the measured window.

(c) All photometric devices shall maintain unit accuracy within plus or minus three percentage points of reference samples between ten and seventy percent net light transmission.

(d) All photometric devices shall have a repeatability of plus or minus one percentage point from reading to reading.

(e) If the unit's supply voltage falls below the usable operating range, the device shall produce a low battery indication or fail to perform testing. Accurate readings must not be affected by the unit's supply voltage. The unit's power supply shall be capable of producing a minimum of 200 readings before replacement or recharge.

(f) Photometric devices shall fail the Division's certification if it is affected by outside stray or ambient light sources. In addition to physical light barriers, such as felt covers and rubber gaskets, the photometer shall include some form of electronic filtration or cancellation of any stray or ambient light sources.

(g) Photometric devices shall not be affected by interference generated by electric equipment, tools, or lighting devices. Readings shall not fluctuate when close to operating electric motors or lighting sources.

(h) Operating humidity range shall be 0-100% non-condensing. Operating temperature range shall be zero to 110 degrees F.

(i) Photometric devices shall incorporate a means of compensating for temperature and humidity changes within the stated ranges of this Rule. Acceptable units shall be capable of demonstrating both accuracy and repeatability of transmittance readings throughout the operating temperature and humidity ranges under Paragraph (h) of this Rule.

(j) The multi-piece photometer's transmitter shall have a light source capable of providing a uniform intensity beam that can accommodate the alignment capabilities of the receiver. Multi-piece photometers shall incorporate a means of self-alignment or positive alignment indication that shall be accomplished when the source and detector units are placed on their respective surfaces of the glazing to be measured as described in Paragraph (a) of this Rule. The alignment shall be accurate enough to

position the detector unit within the uniform beam of the source. The result of this alignment feature shall be data that meets the accuracy and repeatability requirements of this Rule.

(k) Reference samples shall be glass with a warranted transmittance stability of at least one year. Reference samples shall provide a uniform surface reading at four points with a variation not to exceed one percentage point as measured by a calibrated spectrophotometer over an indicated range within 560nm with a variance of no more than 20nm. Reference samples shall be labeled or inscribed with the manufacturer's name, address, and date of calibration. Manufacturers shall ensure replacement reference samples are available to the consumer within two working days in the event of damage or breakage.

(l) Photometric devices shall include an all segments display option for testing the unit's LCD display segments. This test may be performed prior to each reading or through a separate test button.

(m) Photometric units shall incorporate devices that shall protect the light source and detector from direct contact with environmental elements, dust, grease, and other products associated with automotive repair shops. These devices shall also prevent the user from touching either the light source or detector.

*History Note: Authority G.S. 20-2; 20-39; 20-127; 20-183.7(a);  
Temporary Adoption Eff. November 1, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
Eff. February 1, 1996;  
Readopted Eff. October 1, 2021.*

#### **19A NCAC 03D .0553 PHOTOMETER COMPLIANCE**

(a) All devices used within the State of North Carolina to measure light transmittance through vehicle windshields or other windows shall, as a minimum, meet the requirements of Rule .0552 of this Section before being approved for use in enforcing state inspection laws and for law enforcement use throughout the state.

(b) Manufacturers must submit units for independent laboratory testing to the Commissioner.

(c) Fees for testing shall either be reimbursed to the Division of Motor Vehicles by the manufacturer or directly to the laboratory by the manufacturer as directed by the Commissioner.

*History Note: Authority G.S. 20-2; 20-39; 20-127; 20-183.6(a); 20-183.7(a);  
Temporary Adoption Eff. November 1, 1995 for a period of 180 days or until the permanent rule becomes effective, whichever is sooner;  
Eff. February 1, 1996;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

### **SECTION .0600 - WEIGHT OF VEHICLE AND REGISTRATION ENFORCEMENT**

#### **19A NCAC 03D .0601 VIOLATIONS OF WEIGHT: REGISTRATION OF FUEL TAX LAWS**

When a vehicle is found to be in violation of the weight, registration, or fuel tax laws of North Carolina, a Citation and Notice of Assessment shall be issued to the owner of the vehicle by such officers and inspectors of the Division of Motor Vehicles as designated by the Commissioner who shall assess the mandatory penalty or license fees.

*History Note: Authority G.S. 20-1; 20-2; 20-39; 20-45; 20-50; 20-64(a); 20-72 through 20-79; 20-83; 20-85 through 20-88; 20-88.1; 20-96; 20-116; 20-118;  
Eff. July 1, 1978;  
Amended Eff. January 1, 1994; February 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03D .0602 COLLECTION OF ASSESSMENTS**

(a) A notice of an outstanding or unpaid assessment shall be mailed to the owner of the vehicle by the Division of Motor Vehicles, Enforcement Section Director after 10 days if the assessed taxes or penalties have not been paid.

(b) If the assessment is not paid, the appropriate procedure(s) listed below is followed:

- (1) A warrant for Collection of Taxes or Penalties shall be filed with the sheriff of the appropriate county where the owner of the vehicle resides or owns real property.

- (2) A Garnishment for Taxes shall be served on the employer of the taxpayer or the bank where the taxpayer has an account.
- (3) A Certificate of Tax Liability shall be filed with the Clerk of Court of the county in which the taxpayer resides or owns real property.
- (4) A Reciprocity Suspension shall be mailed by the Division of Motor Vehicles to the owner of the vehicle for which an outstanding or unpaid assessment exists and a copy of this reciprocity suspension shall be filed with the appropriate department in the appropriate state or jurisdiction in which the taxpayer has vehicles registered.

(c) When the assessment is paid, a Certificate of Satisfaction shall be filed with the Clerk of Court in the county where the Certificate of Tax Liability was filed. When an assessment is paid where reciprocity has been suspended, the reciprocity shall be restored by notifying the owner of the vehicle by mail of the restoration of reciprocity and by notifying the proper authority in the appropriate state by mail.

*History Note:* Authority G.S. 20-1; 20-2; 20-39; 20-49; 20-91.1; 20-96; 20-99;  
Eff. July 1, 1978;  
Amended Eff. January 1, 1994; February 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03D .0603 WEIGHING VEHICLES WITH PORTABLE SCALES**

*History Note:* Authority G.S. 20-1; 20-118.1;  
Eff. July 1, 1978;  
Amended Eff. February 1, 1985; February 1, 1982; April 11, 1980;  
Repealed Eff. November 1, 1991.

#### **19A NCAC 03D .0604 RECIPROCITY AGREEMENTS**

*History Note:* Authority G.S. 20-1; 20-2; 20-4.1 through 20-4.12; 20-39; 20-84.2;  
Eff. February 1, 1982;  
Repealed Eff. January 1, 1994 pursuant to 1991 S.L., c. 477, s. 3.

### **SECTION .0700 - APPROVAL OF MOTOR VEHICLE SAFETY EQUIPMENT**

#### **19A NCAC 03D .0701 VEHICLE EQUIPMENT APPROVAL**

- (a) The Enforcement Section is responsible for issuing certificates of approval for all motor vehicle safety equipment that requires the approval of the Commissioner of Motor Vehicles.
- (b) Anyone wishing to know if an item requires the commissioner's approval may contact the Enforcement Section, Division of Motor Vehicles, 1100 New Bern Avenue, Raleigh, North Carolina for the information.
- (c) If the equipment requires the commissioner's approval, and an individual wishes to know if a particular brand name item is approved, he may also contact the Enforcement Section, Division of Motor Vehicles, 1100 New Bern Avenue, Raleigh, North Carolina for a listing of approved manufacturers of this piece of safety equipment.

*History Note:* Authority G.S. 20-1; 20-124(f),(h); 20-125(a) through (c); 20-125.1(a),(b); 20-126(a) through (c); 20-127(b); 20-129(a) through (d),(f),(g); 20-129.1(7),(8); 20-130(a); 20-131(a) through (d); 20-135(c); 20-135.1(a); 20-135.2(a),(b); 20-135.3; 20-137.1(a);  
Eff. February 1, 1982;  
Amended Eff. January 1, 1994; November 1, 1991; August 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03D .0702 INFORMATION FOR MANUFACTURER**

*History Note:* Authority G.S. 20-1; 20-124(f),(h); 20-125(a) through (c); 20-125.1(a),(b); 20-126(a) through (c); 20-127(b); 20-129(a) through (d),(f),(g); 20-129.1(7),(8); 20-130(a); 20-131(a) through (d); 20-135(c); 20-135.1(a); 20-135.2(a); 20-135.3;  
Eff. February 1, 1982;  
Amended Eff. November 1, 1991;  
Repealed Eff. January 1, 1994.

#### **19A NCAC 03D .0703 REQUIRED LIGHTING EQUIPMENT FOR HOUSE TRAILERS**

Every house trailer, mobile home, modular home, or structural component thereof shall have two stop lamps, one on each side of the vertical centerline, at the same height and, as far apart as practicable; two tail lamps, one on each side of the vertical centerline, at the same height, and as far apart as practicable; and two red reflex reflectors, one on each side of the vertical centerline, at the same height, and as far apart as practicable; and two turn signal lamps, one on each side of the vertical centerline, at the same height, and as far apart as practicable while the vehicle is in intrastate transit. The lighting equipment may be attached by means of a harness removable upon completion of transit.

*History Note:* Authority G.S. 20-1; 20-129.2;  
Eff. February 1, 1982;  
Amended Eff. January 1, 1994; November 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03D .0704 IDENTIFICATION DECAL**

An owner of a privately registered vehicle who is issued an identification decal permitting a vehicle to enter a secured or private area, such as a military base, a place of employment, or a parking lot, may affix the decal to the interior surface of that vehicle's windshield provided that the decal does not exceed four inches in width and three inches in height and that it be placed in the lower right corner of the windshield as near as practical to the lower edge of the windshield with the right edge of the decal against the far right frame of the windshield.

*History Note:* Authority G.S. 20-127(a);  
Eff. July 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

### **SECTION .0800 - SAFETY RULES AND REGULATIONS**

#### **19A NCAC 03D .0801 SAFETY OF OPERATION AND EQUIPMENT**

*History Note:* Authority G.S. 20-17.7; 20-21; 20-37.22; 20-96; 20-183.2(a); 20-381;  
Eff. December 1, 1983;  
Amended Eff. November 1, 1991; October 1, 1991;  
Temporary Amendment Eff. February 1, 1992 for a Period of 180 Days to Expire on July 30, 1992;  
Temporary Amendment Eff. March 30, 1992 for a Period of 180 Days to Expire on September 26, 1992;  
Amended Eff. August 3, 1992; July 1, 1992;  
Temporary Amendment Eff. December 1, 1999;  
Amended Eff. August 1, 2002; April 1, 2001;  
Temporary Amendment Eff. August 6, 2002;  
Amended Eff. August 1, 2004;  
Transferred and recodified to 14A NCAC 09J .0101 Eff. March 23, 2009.

#### **19A NCAC 03D .0802 HAZARDOUS MATERIALS**

*History Note:* Authority G.S. 20-2; 20-381;  
Eff. December 1, 1983;  
Amended Eff. April 1, 2001; January 1, 1994;  
Transferred and recodified to 14A NCAC 09J .0102 Eff. March 23, 2009.

Editor's Note: 19A NCAC 3D.0803 - .0827 have been transferred and recodified to 19A NCAC 3E .0501 - .0525 Eff. January 3, 1996.

## **SECTION .0900 - APPROVAL OF SUN SCREENING DEVICES**

### **19A NCAC 03D .0901 PURPOSE AND DEFINITIONS**

This Section establishes rules for and provides information for sun screening devices. The following definitions define terms used in this Section:

- (1) "Sun screening film" means products or materials designed to be used in conjunction with approved vehicle safety glazing materials for the purpose of reducing the effects of the sun.
- (2) "Luminous reflectance" and "light transmittance" as referred to in these Rules are in the visible light range.
- (3) "Reflectance" means the ratio of the amount of total light, expressed in percentages, which is reflected outward by the device to the amount of total light falling on the device.
- (4) "Transmittance" means the ratio of the amount of total light, expressed in percentages, which is allowed to pass through the device including the glazing to the amount of total light falling on the device and the glazing.
- (5) "Manufacturer" means any person engaged in the manufacturing or assembling of sun screening devices designed to be used in conjunction with vehicle glazing materials.

*History Note: Authority G.S. 20-39; 20-127;  
Eff. January 1, 1988;  
Amended Eff. January 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

### **19A NCAC 03D .0902 TESTING AND CERTIFICATION**

- (a) Each manufacturer prior to offering for sale tinted sun-screening film to be installed on a motor vehicle shall demonstrate compliance with the applicable requirements of this Rule. Test specimens of the sun-screening film shall be tested in conjunction with the glazing material of intended use. The necessary tests shall be conducted by or supervised by a laboratory approved by the Commissioner.
- (b) Testing of the sun-screening film shall be in accordance with the applicable provisions of American National Standards Institute (ANSI) Z26.1-1983; ANSI/ASTM E308-73; ANSI/ASTM E179-73; and ANSI/ASTM C523-68, which are hereby incorporated by reference including all future editions and amendments.
- (c) Each manufacturer prior to offering for sale tinted sun-screening film to be installed shall certify to the Commissioner that the sun-screening film is in compliance with the transmittance and reflectivity requirements of G.S. 20-127.

*History Note: Authority G.S. 20-39; 20-127;  
Eff. January 1, 1988;  
Amended Eff. January 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

### **19A NCAC 03D .0903 APPLICATION FEE**

Each manufacturer applying for approval of a sun screening device shall be registered with the Equipment Approval Unit of the Division of Motor Vehicles. Testing procedures and results shall be accompanied by the certification referred to in Rule .0902(c) of this Section and a fee of twenty-five dollars (\$25.00) in order to review the application materials.

*History Note: Authority G.S. 20-39; 20-127;  
Eff. January 1, 1988;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

### **19A NCAC 03D .0904 APPROVAL AND LABELING OF DEVICES**

(a) No devices manufactured with a luminous reflectance of more than 20 percent or a light transmittance of less than 50 percent will be approved for use on vehicles registered in this State.

(b) After approval of the device by the commissioner, each manufacturer shall provide an approved label with a means for permanent and legible installation between the device and each glazing surface to which it is applied. Each label shall contain the following information:

- (1) The name and address of the manufacturer;
- (2) The registration number assigned to the device by the Division; and
- (3) The words, "complies with G.S. 20-127".

(c) Each manufacturer shall include instructions with the device for proper installation, including the affixing of the label specified in Paragraph (b) of this Rule. The label shall be placed as required by G.S. 20-127(d).

*History Note:* Authority G.S. 20-39; 20-127;  
Eff. January 1, 1988;  
Amended Eff. November 1, 1988;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

## **SUBCHAPTER 3E - INTERNATIONAL REGISTRATION PLAN (IRP) SECTION**

### **SECTION .0100 - GROSS RECEIPTS TAX: COMMON CARRIERS OF PROPERTY**

#### **19A NCAC 03E .0101 GENERAL INFORMATION**

*History Note:* Authority G.S. 20-1; 20-50; 20-88; 20-89; 20-90; 20-91; 20-92; 20-93;  
Eff. July 1, 1978;  
Amended Eff. March 1, 1982;  
Repealed Eff. July 1, 1983.

- 19A NCAC 03E .0102 RECORDS**
- 19A NCAC 03E .0103 GROSS REVENUE**
- 19A NCAC 03E .0104 MILEAGE**
- 19A NCAC 03E .0105 REPORTS**
- 19A NCAC 03E .0106 GUIDELINE BOOK**

*History Note:* Authority G.S. 20-1; 20-88; 20-89; 20-90; 20-91; 20-92;  
Eff. July 1, 1978;  
Repealed Eff. February 1, 1982.

#### **19A NCAC 03E .0107 REGISTRATION UNDER THE INTERNATIONAL REGISTRATION PLAN**

*History Note:* Authority G.S. 20-86.1;  
Eff. July 1, 1978;  
Amended Eff. February 1, 1982;  
Repealed Eff. July 1, 1983.

### **SECTION .0200 - GROSS RECEIPTS TAX: COMMON CARRIERS OF PASSENGERS**

- 19A NCAC 03E .0201 LICENSING EQUIPMENT**
- 19A NCAC 03E .0202 RECORDS**

*History Note:* Authority G.S. 20-1; 20-50; 20-87; 20-91; 20-93;  
Eff. July 1, 1978;  
Amended Eff. February 1, 1982;

*Repealed Eff. July 1, 1983.*

**19A NCAC 03E .0203 GROSS REVENUE**  
**19A NCAC 03E .0204 MILEAGE**

*History Note: Authority G.S. 20-1; 20-87; 20-89;*  
*Eff. July 1, 1978;*  
*Repealed Eff. February 1, 1982.*

**19A NCAC 03E .0205 REPORTS**

*History Note: Authority G.S. 20-1; 20-87; 20-89 through 20-92;*  
*Eff. July 1, 1978;*  
*Amended Eff. February 1, 1982;*  
*Repealed Eff. July 1, 1983.*

**SECTION .0300 - REGISTRATION OF RENTAL VEHICLES BY NONRESIDENTS**

**19A NCAC 03E .0301 GENERAL INFORMATION**

*History Note: Authority G.S. 20-1; 20-66; 20-84.2;*  
*Eff. July 1, 1978;*  
*Repealed Eff. February 1, 1982.*

**19A NCAC 03E .0302 ONE-WAY TRUCK REGISTRATION**

(a) In addition to the General Statutes concerning truck registration, every registrant (owner) of trucks of less than 26,000 pounds gross vehicle weight operated as a one-way fleet shall allocate vehicles to North Carolina.

(b) The minimum number of vehicles to be licensed in North Carolina shall be determined as follows:

- (1) Divide the North Carolina miles by the total miles traveled (all jurisdictions) by each class of motor vehicles during the preceding year. The preceding year means the period of 12 consecutive months immediately prior to July 1st of each year immediately preceding the commencement of the registration or license year for which the application is being filed.
- (2) Multiply the North Carolina percent times the total number of vehicles owned or operated January 1st in the particular class.
- (3) When equipment is added to a particular class after January 1st of any licensing year, the same percent used at the beginning of that licensing year (January 1st) shall be used to determine the portion of the new vehicles to be registered in North Carolina.

(c) A record of unit number, identification, declared gross weight, miles traveled, monthly inventory (motor vehicle) records, North Carolina license number and date license purchased shall be retained for three years.

*History Note: Authority G.S. 20-1; 20-84.2; 20-86.1;*  
*Eff. July 1, 1978;*  
*Amended Eff. December 1, 1993; November 1, 1991; July 1, 1983; February 1, 1982;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

**19A NCAC 03E .0303 UTILITY TRAILER REGISTRATION**  
**19A NCAC 03E .0304 U-DRIVE-IT CAR REGISTRATION**

*History Note: Authority G.S. 20-1; 20-66; 20-86.1;*  
*Eff. July 1, 1978;*  
*Amended Eff. December 1, 1993; November 1, 1991; July 1, 1983; February 1, 1982;*  
*Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.*

**SECTION .0400 - INTERNATIONAL REGISTRATION PLAN**

#### **19A NCAC 03E .0401 GENERAL INFORMATION**

(a) Apportionable vehicles used or intended for use in two or more jurisdictions that allocate or proportionally register vehicles for the transportation of persons or property, shall be registered in accordance with the provisions of the International Registration Plan. The International Registration Plan is hereby incorporated by reference, including subsequent amendments and editions, which can be found at no cost at the Division's International Registration Plan offices in Charlotte or Raleigh, and online at <https://www.ncdot.gov/dmv/programs/commercial-trucking/Pages/default.aspx>.

(b) The term "Apportionable Vehicle" as used in this Rule means any vehicle, except recreational vehicles, vehicles displaying restricted plates, city pick up and delivery vehicles, buses used in transportation of chartered parties, and government-owned vehicles, used, or intended for use, in two or more member jurisdictions that allocate or proportionally register vehicles and is used for the transportation of persons for hire or designed, used or maintained for the transportation of property and:

- (1) is a power unit having two axles and a gross vehicle weight or registered gross vehicle weight in excess of 26,000 pounds;
- (2) is a power unit having three or more axles regardless of weight; or
- (3) is used in combination when the weight of such combination exceeds 26,000 pounds gross vehicle weight.

(c) Vehicles, or combinations thereof, having a gross vehicle weight of 26,000 pounds or less and two-axle vehicles and buses used in transportation of chartered parties may be proportionally registered at the option of the registrant.

(d) The Raleigh and Charlotte offices of the North Carolina Division of Motor Vehicles shall register vehicles under the International Registration Plan. Registrants or other interested persons shall obtain the International Registration Plan manual and the application schedule forms from:

- (1) North Carolina Division of Motor Vehicles  
I.R.P. Section  
1425 Rock Quarry Road  
Suite 100  
Raleigh, North Carolina 27610; or
- (2) North Carolina Division of Motor Vehicles  
I.R.P. Unit  
6016 Brookshire Blvd.  
Charlotte, North Carolina 28216.

(e) The principles for implementation of this registration reciprocity agreement among states of the United States and provinces of Canada shall be found in the most recent publication of the International Registration Plan Policies and Procedures Manual, the Uniform Operation Audit Procedures Guidelines and the North Carolina Department of Transportation, Division of Motor Vehicles International Registration Plan Manual.

(f) The forms for the International Registration Plan and rental vehicles shall be obtained from the International Registration Plan Section (IRP) of the Division of Motor Vehicles, Raleigh, North Carolina.

*History Note:* Authority G.S. 20-86.1; 20-91;  
Eff. July 1, 1983;  
Amended Eff. April 30, 1997; December 1, 1993; November 1, 1991;  
Readopted Eff. June 1, 2021.

#### **19A NCAC 03E .0402 REGISTRATION UNDER THE INTERNATIONAL REGISTRATION PLAN**

*History Note:* Authority G.S. 20-86.1;  
Eff. July 1, 1983;  
Repealed Eff. November 1, 1991.

#### **19A NCAC 03E .0403 LICENSE PERIOD FOR TRAILER PLATE**

*History Note:* Authority G.S. 20-39; 20-63; 20-87(9); 20-88;  
Eff. November 1, 1991;  
Amended Eff. April 30, 1997; December 1, 1993;  
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.



## SECTION .0500 - SAFETY RULES AND REGULATIONS

### 19A NCAC 03E .0501 CERTIFICATE: VEHICLE IDENTIFICATION: ETC

(a) Passengers, fire-fighting equipment, medical and hospital supplies, food, feed, clothing, and other articles necessary for immediate relief of or direct prevention of fires, sickness, accident, storm, flood, or similar catastrophes, may be transported by any person in any available vehicle without notice to or authority from the Utilities Commission or the Motor Carrier Regulatory Unit upon issuance of an executive order from the Governor. The North Carolina Utilities Commission, however, has jurisdiction over household goods movers.

(b) A certificate of exemption may be canceled upon notice to the holder without hearing for any one or more of the following causes:

- (1) for failure to mark for hire vehicles as required by Paragraph (c) of this Rule;
- (2) for the transportation of passengers or property not exempt from rules;
- (3) for refusal to permit the Division's inspectors, upon demand and display of proper credentials, to make examination of loaded trucks, the property being transported, and all books, records, and accounts relating to the transportation of property for hire;
- (4) for failure of exempt for hire passenger carriers to keep on file with the Division proper evidence of insurance as required by the Utilities Commission;
- (5) for failure of exempt for hire passenger or property carriers to comply with the safety rules of the Division.

(c) Every vehicle operated under a certificate of exemption shall have printed on both sides thereof, in letters and figures not less than three inches high, the owner's name, or trade name, address, and certificate number unless such vehicle is under permanent lease in which case only the certificate number of the lessor shall appear. In case of a tractor-trailer unit, the marking shall be on the tractor.

(d) The lease of equipment with driver for use in private transportation of property is prohibited unless the following requirements are met:

- (1) the leased equipment shall be exclusively committed to the lessee's use for the term of the lease;
- (2) the lessee shall have exclusive dominion and control over the transportation service during the term of the lease;
- (3) the lessee shall maintain liability insurance for any injury caused in the course of performing the transportation service;
- (4) the lessee shall be responsible for compliance with safety rules;
- (5) the lessee shall bear the risk of damage to cargo; and
- (6) the term of the lease shall be for a minimum period of 30 days.

(e) Any person operating under a certificate of exemption using a leased or rented vehicle shall have the vehicle properly marked or placarded on both sides in letters and figures not less than three inches high, the lessee's name or trade name, address and certificate number.

*History Note:* Authority G.S. 20-378;

*Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;*  
*Eff. April 1, 1986;*

*Amended Eff. January 1, 1994;*

*Transferred and Recodified from 19A NCAC 03D .0803 Eff. January 3, 1996;*

*Amended Eff. April 30, 1997;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

### 19A NCAC 03E .0502 PURCHASE OF FOR HIRE LICENSE TAGS

A certificate of exemption for the transportation of passengers issued as provided in Rule .0501 of this Section does not in itself constitute approval by the Division of the purchase of for hire tags for vehicles owned by the person to whom such certificate is issued. For hire tags may only be purchased by holders of exemption certificates for the transportation of passengers who are in full compliance with the insurance and safety rules of the Division. Vehicles of such carriers shall be registered with the Division as required by Rule .0507 of this Section and upon carrier's compliance with said insurance and safety rules, said vehicles shall be approved by the Division of Motor Vehicles so that tags may be purchased, but not before.

*History Note:* Authority G.S. 20-86; 20-86.1; 20-378;

*Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;*

*Eff. April 1, 1986;*  
*Amended Eff. January 1, 1994; November 1, 1991;*  
*Transferred and Recodified from 19A NCAC 03D .0804 Eff. January 3, 1996;*  
*Amended Eff. April 30, 1997;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03E .0503 CHANGE OF NAME OR TRADE NAME**

In the event a carrier finds it necessary to change its name or trade name, its certificate of exemption must be presented to the Division for cancellation, and a new certificate will be issued in lieu thereof.

Note: Titles to motor vehicles are matters of public record, and any change in the name or trade name of the registered owner requires a corresponding change in the title to the vehicle and registration card.

*History Note: Authority G.S. 20-378;*  
*Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;*  
*Eff. April 1, 1986;*  
*Transferred and Recodified from 19A NCAC 3D .0805 Eff. January 3, 1996;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03E .0504 TRANSFER OF CERTIFICATES OF EXEMPTION**

Certificates of exemption shall not be sold, assigned or transferred.

*History Note: Authority G.S. 20-378;*  
*Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;*  
*Eff. April 1, 1986;*  
*Transferred and Recodified from 19A NCAC 3D .0806 Eff. January 3, 1996;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03E .0505 INSURANCE AND SAFETY RULES: EXEMPT PASSENGER CARRIERS**

In the application of the insurance and safety rules of the Division under G.S. 62-260(f) and certificates of exemption under G.S. 62-260(g), the term "motor carriers" as included in said sections shall be construed under the definition in G.S. 62-3(17) to be limited to motor common carriers or motor contract carriers of exempt passengers for hire who have been issued certificates of exemption by the Division.

*History Note: Authority G.S. 20-378;*  
*Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;*  
*Eff. April 1, 1986;*  
*Amended Eff. January 1, 1994;*  
*Transferred and Recodified from 19A NCAC 3D .0807 Eff. January 3, 1996;*  
*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03E .0506 REGULATION CARRIERS: USE OF RENTED OR LEASED VEHICLES**

(a) No carrier authorized to operate as a common carrier of property or as a contract carrier of property by the Utilities Commission shall use any vehicle of which such carrier is not the owner for the transportation of property for compensation, except under a bona fide written lease from the owner, subject to the following conditions:

- (1) The lessee shall use such vehicles only for purposes and within the territory covered by his operating authority and for the term of the lease.
- (2) The property transported shall be transported in the name of and under the responsibility of the said lessee, and under the direct supervision and control of the lessee.
- (3) The drivers of said leased equipment shall be directly supervised and controlled by lessee.
- (4) The name, address and certificate or permit number assigned to the lessee shall be displayed on the leased vehicle as required by the Utilities Commission.

- (5) The vehicle shall be covered by insurance in the name of the lessee as required by the Utilities Commission.
- (6) The lease shall specify a definite effective period, the amount of consideration to the lessor, and shall list and describe the equipment covered.
- (7) A legible copy of the executed lease shall be carried in the leased vehicle at all times, unless a certificate as provided in Paragraph (a)(8) of this Rule is carried in lieu thereof.
- (8) Unless a copy of the lease is carried on the equipment as provided in Paragraph (a)(7) of this Rule, the authorized carrier shall prepare a statement certifying that the equipment is being operated by it, which shall specify the name of the owner, the date of the lease, the period thereof, any restrictions therein relative to the commodities to be transported, and the location of the premises where the original of the lease is kept by the authorized carrier, which certificate shall be carried with the equipment at all times during the entire period of the lease.

Exception: The provisions of this Rule shall not apply to the interchange of trailers.

(b) No common or contract carrier of property shall lease its equipment for private use in the transportation of commodities which it is authorized to transport by authority of the Utilities Commission, and no common or contract carrier of property shall lease equipment with drivers to private carriers or shippers under any circumstance.

(c) The rules and regulations relating to lease and interchange of vehicles, as prescribed in the Code of Federal Regulations, Title 49 - Transportation, Chapter X - Interstate Commerce Commission, Sub-Chapter A - General Rules and Regulations, Part 1057 - Lease and Interchange of Vehicles, to the extent that said regulations are not in conflict with the North Carolina Statutes, shall apply to all motor carriers of property authorized by the North Carolina Utilities Commission to operate in North Carolina; and are incorporated by reference including any subsequent amendments. Code of Federal Regulations Title 49 - Transportation, Chapter X can be purchased for nineteen dollars (\$19.00) from the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Washington, D.C. 15250. Make check payable to Superintendent of Documents.

*History Note:* Authority G.S. 20-378;  
 Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;  
 Eff. April 1, 1986;  
 Amended Eff. January 1, 1994; November 1, 1991;  
 Transferred and Recodified from 19A NCAC 3D .0808 Eff. January 3, 1996;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03E .0507 BEGINNING OPERATIONS FOR THE TRANSPORTATION OF PASSENGERS**

(a) An order of the Utilities Commission, approving an application, or the issuance of a certificate or a permit, or a certificate of exemption issued by the Division for the transportation of passengers, does not within itself authorize the carrier to begin operations. Operations are unlawful until the carrier shall have complied with G.S. 62-325, Rule R2-22 by:

- (1) Registration of its rolling equipment with the Division on Form MC-19.
- (2) Filing insurance with the Division covering its rolling equipment or by providing other security for the protection of the public, as provided by the Utilities Commission.
- (3) In the case of common and contract carriers, filing tariffs and schedules or rates and charges with the Utilities Commission to be made for the transportation service authorized, as provided by the Utilities Commission.

(b) Unless a common or contract carrier complies with the foregoing requirements and begins operating, as authorized, within a period of 30 days after the commission's order approving the application becomes final, and unless the time is extended in writing by the Utilities Commission upon written request, the operating rights therein granted will cease and determine.

*History Note:* Authority G.S. 20-378;  
 Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;  
 Eff. April 1, 1986;  
 Amended Eff. January 1, 1994; November 1, 1991;  
 Transferred and Recodified from 19A NCAC 3D .0809 Eff. January 3, 1996;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03E .0508 REGISTRATION OF VEHICLES**

- (a) Before beginning operations as a common carrier or as a contract carrier or as an exempt for hire passenger carrier all vehicles to be used in the operation must be registered with the Division.
- (b) New or additional vehicles may be added to an operation at any time by registration of the same with the Division and the payment of a registration fee.
- (c) All registered vehicles to be continued in the service after the close of the year must be reregistered for the following year by payment of the reregistration fee.

*History Note:* Authority G.S. 20-378;  
Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;  
Eff. April 1, 1986;  
Transferred and Recodified from 19A NCAC 3D .0810 Eff. January 3, 1996;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03E .0509 INSPECTION OF VEHICLES: BOOKS: RECORDS: ETC.**

- (a) Authorized representatives of the Division, upon demand and display of proper credentials, shall be permitted by any carrier transporting, or authorized to transport, property or passengers over the public highways of North Carolina to examine the books, records, accounts, bills of lading, load sheets or manifests, or other records of such carrier relating to the transportation of property or passengers and the vehicles, terminals, buildings, and other equipment and facilities used by such carrier in such transportation business; and all such carriers shall instruct their drivers, agents and employees in charge of such records, equipment and facilities to permit such examination.
- (b) Representatives of the Division authorized to make inspections under the provisions of Chapter 20, Article 17 and these Rules shall be provided with a card of identification. They shall have the right at any time to enter into or upon any motor vehicle being operated under Chapter 20, Article 17, and to which these Rules apply, including exempt for hire passenger vehicles, for the purpose of ascertaining whether or not the provisions of the law and these Rules are being complied with. Willful refusal of any carrier or driver of any such motor vehicle to stop or discontinue the use of any such motor vehicle until properly conditioned, when ordered to do so by any such representative, or to permit such representative to enter into or upon the same for the purpose aforesaid, shall be sufficient ground for the revocation of the violator's certificate or permit or exemption certificate, as the case may be. Inspectors shall report all irregularities under this Rule to the Division. The Division's jurisdiction under this Rule is extended to include bus stations, carriers' offices and garages.
- (c) No inspector or other agent of the Division shall knowingly and willfully divulge any fact or information which may come to his knowledge during the course of any such examination or inspection except to the Division or Utilities Commission or as may be directed by the Division or upon approval of request by the Utilities Commission or by a court or judge.

*History Note:* Authority G.S. 20-378;  
Filed as a Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;  
Eff. April 1, 1986;  
Transferred and Recodified from 19A NCAC 3D .0811 Eff. January 3, 1996;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03E .0510 INTERSTATE CARRIERS: REGISTRATION OF CERTIFICATES: PERMITS** **19A NCAC 03E .0511 REGISTRATION OF INTERSTATE AUTHORITY**

*History Note:* Authority G.S. 20-378;  
Filed as a Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;  
Eff. April 1, 1986;  
Transferred and Recodified from 19A NCAC 03D .0812 and .0813 Eff. January 3, 1996;  
Amended Eff. April 30, 1997;  
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.

#### **19A NCAC 03E .0512 SINGLE STATE REGISTRATION**

*History Note:* Filed as a Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;

*Authority G.S. 20-378;  
Eff. April 1, 1986;  
Amended Eff. January 1, 1994;  
Transferred and Recodified from 19A NCAC 03D .0814 Eff. January 3, 1996;  
Amended Eff. April 30, 1997;  
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.*

**19A NCAC 03E .0513 EVIDENCE OF LIABILITY SECURITY**

- (a) All interstate motor carriers shall keep in force at all times public liability and property damage insurance in amounts not less than the minimum limits prescribed by the U.S. Department of Transportation or Interstate Commerce Commission. There shall be filed with the Division a Form E (Uniform Motor Carrier Bodily Injury and Property Damage Liability Certificate of Insurance) as set forth in the rules in this Section. A BMC91 (Uniform Motor Carrier Bodily Injury and Property Damage Certificate of Insurance) or a BMC91X (Motor Carrier Automobile Bodily Injury Liability and Property Damage Liability) shall be filed with the Division if a motor carrier has authority from U.S. DOT.
- (b) Notice of cancellation of insurance shall be given to the Division by the insurer. The BMC35 (Notice of Cancellation of Motor Carrier Insurance) shall be filed to cancel the BMC91 or BMC91X.
- (c) Such motor carriers who have been permitted to post bond in lieu of insurance or who have qualified as self-insurers, under the rules and regulations of the U.S. DOT, shall not engage in interstate commerce within the borders of this state unless and until such carriers have filed surety bonds (Form G, Uniform Motor Carrier Bodily Injury and Property Damage Liability Surety Bond) which have been accepted by the Division or a true and legible copy of the currently effective U.S. DOT order authorizing such motor carrier to self-insure under the provisions of the Interstate Commerce Act. Notice of cancellation of surety bonds shall be given to the Division by filing Form L (Uniform Notice of Cancellation of Motor Carrier Surety Bond).
- (d) A BMC91 or BMC91X shall not be accepted unless it is issued by an insurance company authorized by U.S. DOT.

*History Note: Authority G.S. 20-378;  
Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;  
Eff. April 1, 1986;  
Amended Eff. January 1, 1994; November 1, 1991;  
Transferred and Recodified from 19A NCAC 03D .0815 Eff. January 3, 1996;  
Amended Eff. April 30, 1997;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

**19A NCAC 03E .0514 ISSUANCE OF REGISTRATION RECEIPT**

**19A NCAC 03E .0515 DESIGNATION OF PROCESS AGENT**

*History Note: Authority G.S. 20-378;  
Filed as a Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;  
Eff. April 1, 1986;  
Amended Eff. January 1, 1994; November 1, 1991;  
Transferred and Recodified from 19A NCAC 03D .0816 and .0817 Eff. January 3, 1996;  
Amended Eff. April 30, 1997;  
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.*

**19A NCAC 03E .0516 VIOLATIONS DECLARED UNLAWFUL**

*History Note: Filed as a Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;  
Authority G.S. 20-378; 20-387;  
Eff. April 1, 1986;  
Repealed Eff. January 1, 1994 pursuant to 1991 S.L., c. 477, s. 3;  
Transferred and Recodified from 19A NCAC 3D .0818 Eff. January 3, 1996.*

**19A NCAC 03E .0517 RETENTION OF RECORDS**

The rules and regulations relating to destruction of records as prescribed in the Code of Federal Regulations, Title 49 - Transportation, Chapter X, Interstate Commerce Commission, Sub-Chapter A - General Rules and Regulations, Part 1226 - Motor Carriers and Brokers, to the extent that such regulations are not in conflict with the North Carolina Statutes, shall apply to all motor carriers authorized by the North Carolina Utilities Commission to operate in North Carolina, and, are incorporated by reference including any subsequent amendments. Code of Federal Regulations Title - 49 Transportation, Chapter X part 1226 can be purchased for twenty one dollars (\$21.00) by writing to the Superintendent of Documents, U.S. Government Printing Office, P.O. Box 371954, Washington, D.C. 15250. Make check payable to the Superintendent of Documents.

*History Note:* Authority G.S. 20-378;  
Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;  
Eff. April 1, 1986;  
Amended Eff. January 1, 1994;  
Transferred and Recodified from 19A NCAC 3D .0819 Eff. January 3, 1996;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03E .0518 REGISTRATION: EXEMPT INTERSTATE MOTOR CARRIERS: DEFINITIONS**

The following letters and words, when used in Rules .0519 through .0525 of this Section, shall have the following meanings, unless otherwise clearly apparent from the context:

- (1) The words "driveaway operation" shall mean an operation in which any vehicle or vehicles, operated singly or in lawful combinations, new or used, not owned by the transporting motor carrier, constitute the commodity being transported;
- (2) The letters "U.S. DOT" shall mean the United States Department of Transportation;
- (3) The word "law" shall include constitutional and statutory provisions and rules adopted by the North Carolina Division of Motor Vehicles;
- (4) The words "motor carrier" shall mean a motor carrier of passengers or property for compensation engaged in interstate or foreign commerce when its operation is exempt from economic regulation by the U.S. DOT under the Interstate Commerce Act, as amended;
- (5) The letters "NARUC" shall mean the National Association of Regulatory Utility Commissioners;
- (6) The words "State Commission", "Commission", or "Division" shall mean the North Carolina Division of Motor Vehicles;
- (7) The word "vehicle" shall mean a self-propelled or motor driven vehicle operated by a motor carrier; and
- (8) The words "within the borders" shall mean such operations deemed to include interstate or foreign operations to, from, within or traversing the state.

*History Note:* Authority G.S. 20-378;  
Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;  
Eff. April 1, 1986;  
Amended Eff. January 1, 1994;  
Transferred and Recodified from 19A NCAC 03D .0820 Eff. January 3, 1996;  
Amended Eff. April 30, 1997;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03E .0519 REGISTRATION REQUIRED**

(a) A motor carrier shall not operate within the borders of the state unless and until there shall have been filed with and approved by the Division an application for the registration of such operation as prescribed by the provisions of Rule .0521 of this Section, and there shall have been a compliance with all other requirements of this Section. A change in operation shall be reported by the prior filing of a supplemental application.

(b) The application for the registration of such operation, and any supplemental application to report any change in operation, shall be in the form set forth in Form A-1 which is available from the Motor Carrier Regulatory Unit. The application shall be printed on a rectangular card or sheet of paper 11 inches in height and 8 and 2 inches in width. The application shall be duly completed and executed by an official of the motor carrier.

(c) The application for the registration of such operation shall be filed in duplicate with the Division. The original shall be retained by the Division. The other copy of the application or an acknowledgment shall be transmitted to the motor carrier when the application is approved by the Division. The application shall be accompanied by a fee in the amount of twenty-five dollars (\$25.00).

*History Note:* Authority G.S. 20-378;  
Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;  
Eff. April 1, 1986;  
Amended Eff. January 1, 1994;  
Transferred and Recodified from 19A NCAC 03D .0821 Eff. January 3, 1996;  
Amended Eff. April 30, 1997;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

**19A NCAC 03E .0520 DESIGNATION OF PROCESS AGENT REQUIRED**  
**19A NCAC 03E .0521 VEHICLE REGISTRATION AND IDENTIFICATION REQUIRED**  
**19A NCAC 03E .0522 EVIDENCE OF LIABILITY SECURITY**  
**19A NCAC 03E .0523 REPRODUCTION OF FORMS**

*History Note:* Authority G.S. 20-378; 20-387;  
Filed as a Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;  
Eff. April 1, 1986;  
Amended Eff. January 1, 1994; November 1, 1991;  
Transferred and Recodified from 19A NCAC 3D .0822-.0825 Eff. January 3, 1996;  
Amended Eff. April 30, 1997;  
Expired Eff. October 1, 2018 pursuant to G.S. 150B-21.3A.

**19A NCAC 03E .0524 VIOLATIONS DECLARED UNLAWFUL: CRIMINAL PENALTIES**

*History Note:* Filed as a Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;  
Authority G.S. 20-378; 20-387;  
Eff. April 1, 1986;  
Repealed Eff. January 1, 1994 pursuant to 1991 S.L., c. 477, s. 3;  
Transferred and Recodified from 19A NCAC 3D .0826 Eff. January 3, 1996.

**19A NCAC 03E .0525 INVESTIGATION OF MOTOR CARRIER ACCIDENTS**

*History Note:* Filed as a Temporary Rule Eff. February 11, 1986 for a period of 120 days to expire on June 11, 1986;  
Authority G.S. 20-378;  
Eff. April 1, 1986;  
Repealed Eff. November 1, 1991;  
Transferred and Recodified from 19A NCAC 3D .0827 Eff. January 3, 1996.

**SUBCHAPTER 03F - COLLISION REPORTS/GENERAL SERVICES SECTION**

**SECTION .0100 - GENERAL INFORMATION**

**19A NCAC 03F .0101 PURPOSE**

This Subchapter explains the accident reporting process and establishes rules for the publication of statistics developed from accident reports.

*History Note:* Authority G.S. 20-1; 20-3; 20-39; 20-166.1; 20-279.1 through 20-279.39;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991; February 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

**19A NCAC 03F .0102 FORMS**

*History Note:* Authority G.S. 20-1; 20-3;  
Eff. July 1, 1978;  
Amended Eff. February 1, 1982;  
Repealed Eff. November 1, 1991.

**19A NCAC 03F .0103 DRIVER ACCIDENT REPORT**  
**19A NCAC 03F .0104 MEDICAL EXAMINER AUTO FATALITY REPORT**  
**19A NCAC 03F .0105 FORMS**

*History Note:* Authority G.S. 20-1; 20-166.1;  
Eff. July 1, 1978;  
Repealed Eff. February 1, 1982.

**SECTION .0200 - STATISTICAL DATA ASSEMBLED AND PUBLISHED**

**19A NCAC 03F .0201 TRAFFIC ACCIDENT SUMMARY**

*History Note:* Authority G.S. 20-1; 20-3; 20-39; 20-166.1;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991; February 1, 1982;  
Repealed Eff. July 1, 2021.

**19A NCAC 03F .0202 FATAL ACCIDENT REPORTS**

*History Note:* Authority G.S. 20-1; 20-3; 20-39; 20-166.1;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991; February 1, 1982;  
Repealed Eff. July 1, 2021.

**19A NCAC 03F .0203 SPECIAL HOLIDAY REPORTS**

*History Note:* Authority G.S. 20-1; 20-3; 20-39; 20-166.1;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991; February 1, 1982;  
Repealed Eff. July 1, 2021.

**SECTION .0300 - ADMINISTRATIVE SUPPORT OF HIGHWAY PATROL**

**19A NCAC 03F .0301 HIGHWAY PATROL ACTIVITY REPORTS**

*History Note:* Authority G.S. 20-1; 20-3;  
Eff. July 1, 1978;  
Amended Eff. February 1, 1982;  
Repealed Eff. November 1, 1991.

**19A NCAC 03F .0302 FATAL ACCIDENT REPORTS**  
**19A NCAC 03F .0303 SPECIAL HOLIDAY REPORTS**



**19A NCAC 03F .0304 FORMS**

*History Note:* Authority G.S. 20-1; 20-3; 20-166.1;  
Eff. July 1, 1978;  
Repealed Eff. February 1, 1982.

**SECTION .0400 - ADMINISTRATIVE SUPPORT OF HIGHWAY PATROL**

**19A NCAC 03F .0401 HIGHWAY PATROL ACTIVITY REPORTS**  
**19A NCAC 03F .0402 FORMS**

*History Note:* Authority G.S. 20-1; 20-3;  
Eff. July 1, 1978;  
Repealed Eff. February 1, 1982.

**SECTION .0500 - ADMINISTRATIVE FORMS**

**19A NCAC 03F .0501 STATISTICAL FORMS**  
**19A NCAC 03F .0502 ACCIDENT REPORTING FORMS**  
**19A NCAC 03F .0503 FINANCIAL RESPONSIBILITY FORMS**

*History Note:* Authority G.S. 20-1; 20-3;  
Eff. July 1, 1978;  
Repealed Eff. February 1, 1982.

**SECTION .0600 - SAFETY AND FINANCIAL RESPONSIBILITY**

**19A NCAC 03F .0601 PROOF OF FINANCIAL RESPONSIBILITY**

- (a) The Division of Motor Vehicles will furnish to vehicle owners or operators appropriate forms to facilitate compliance with Article 9A, Chapter 20 of the General Statutes of North Carolina, the Motor Vehicle Safety and Financial Responsibility Act of 1953.
- (b) Vehicle owners or operators of automobiles involved in an accident may furnish required proof of financial responsibility on documents prescribed by the Division.

*History Note:* Authority G.S. 20-39; 20-279.1; 20-279.2; 20-279.3; 20-279.4; 20-279.5; 20-279.6; 20-279.7; 20-279.8; 20-279.9; 20-279.10; 20-279.11; 20-279.12; 20-279.13; 20-279.14; 20-279.15; 20-279.16; 20-279.17; 20-279.18; 20-279.19; 20-279.20; 20-279.21; 20-279.22; 20-279.23; 20-279.24; 20-279.25; 20-279.26; 20-279.27; 20-279.28; 20-279.29; 20-279.30; 20-279.31; 20-279.32; 20-279.33; 20-279.34; 20-279.35; 20-279.36; 20-279.37; 20-279.38; 20-279.39;  
Eff. November 1, 1991;  
Amended Eff. December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

**19A NCAC 03F .0602 ADMINISTRATIVE FINANCIAL RESPONSIBILITY HEARINGS**

- (a) Any person who has received notice of a driver's license suspension due to an motor vehicle accident for failure to file proof of financial responsibility may request a hearing.
- (b) Request for a hearing shall be made in writing to the Division within 15 days from the date shown on the proposed suspension order.
- (c) The receipt of a request for hearing shall extend the original effective date of the suspension order for 30 days or until the hearing is held, whichever is later.
- (d) The petitioner shall furnish the Division with a statement of the circumstances of the accident in which his or her vehicle was involved, grounds relied upon to exonerate him or her from suspension, and a certified copy of any traffic court judgment related to the accident. This information shall be received at the Division at least five days prior to the date fixed for hearing.

(e) If the hearing officer establishes that liability insurance was in effect on the date of the accident, or that the petitioner has assumed financial responsibility for the damages in the accident, the officer shall rescind the Division's prior notice of revocation.

*History Note:* Authority G.S. 20-39; 20-279.2; 20-279.5;  
Eff. November 1, 1991;  
Amended Eff. December 1, 1993;  
Readopted Eff. June 1, 2021.

## **SUBCHAPTER 03G - SCHOOL BUS AND TRAFFIC SAFETY SECTION**

### **SECTION .0100 - GENERAL INFORMATION**

#### **19A NCAC 03G .0101 PURPOSE**

This Subchapter deals with various driver education programs designed to improve driving skills and promote traffic safety. Rules for commercial driver training schools and school bus driver certification are also established. The following publications are available from the School Bus and Traffic Safety Section of the Division of Motor Vehicles, 1100 New Bern Avenue, Raleigh, NC 27697:

- (1) Rules Governing the Licensing of Commercial Driver Training Schools;
- (2) Rules Governing the Issuance and Cancellation of School Bus Driver Certificates;
- (3) Schedule of Driver Improvement Clinics.

*History Note:* Authority G.S. 20-1; 20-3; 20-7(m); 20-16(c); 20-39(b); 20-88.1; 20-218; 20-320 through 20-328;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; November 1, 1991; February 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03G .0102 FORMS AND PUBLICATIONS**

All forms and publications pertaining to this Subchapter are on file in the Commissioner's Office and are available for inspection during normal working hours.

*History Note:* Authority G.S. 20-1; 20-39(b);  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; February 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03G .0103 PUBLICATIONS**

*History Note:* Authority G.S. 20-1; 20-218;  
Eff. July 1, 1978;  
Repealed Eff. February 1, 1982.

### **SECTION .0200 - SCHOOL BUS DRIVER TRAINING AND CERTIFICATION**

#### **19A NCAC 03G .0201 SCHOOL BUS DRIVER TRAINING**

#### **19A NCAC 03G .0202 REQUIREMENTS FOR CERTIFICATION**

*History Note:* Authority G.S. 20-1; 20-218;  
Eff. July 1, 1978;  
Amended Eff. February 1, 1982;  
Repealed Eff. April 1, 1989.

## **19A NCAC 03G .0203 SCHOOL BUS DRIVER CERTIFICATES - SCOPE OF RULES**

The officials of the North Carolina Division of Motor Vehicles recognize the authority of the local school officials of the various county and city administrative units to select, assign, and dismiss school bus drivers. The rules set out in this Section define the eligibility requirements for certification of school bus drivers as established by the Division of Motor Vehicles and set the standards of performance and conduct necessary to retain certification.

*History Note: Authority G.S. 20-39(b); 20-218;  
Eff. April 1, 1989;  
Amended Eff. August 1, 2000; December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

## **19A NCAC 03G .0204 DEFINITIONS OF WORDS AND PHRASES**

The following words and phrases when used in the rules set out in this Section shall, for the purposes of the rules set out in this Section, have the meanings respectively prescribed to them, except in those instances where the context clearly indicates a different meaning:

- (1) Conviction--A conviction upon a plea of guilty, or of nolo contendere; or the determination of guilt by a jury or by a court though no sentence has been imposed or, if imposed, has been suspended, and it includes a forfeiture of bail or collateral deposited to secure appearance in court of the defendant, unless the forfeiture has been vacated, and shall include prayer for judgment continued.
- (2) Driver Education Specialist or representative--An employee of the Division of Motor Vehicles whose job title it is and whose primary responsibility is the training and certification of school bus drivers.
- (3) Driving Privilege--The privilege to operate a motor vehicle upon the highways of this state as evidenced by a Class A, B, or C driver license issued by the Driver License Section of the North Carolina Division of Motor Vehicles.
- (4) Moving violation--Any violation of the motor vehicle laws of this state, except:
  - (a) Those offenses for which no points may be assessed under the point system specifically set forth in General Statutes 20-16(c);
  - (b) Those equipment violations specified in Part 9 of Article 3 of Chapter 20 of the General Statutes.
- (5) Proximate Cause of an Accident--Any violation of the motor vehicle laws of this state which contributed directly to an accident. Some violations not involving actual physical driving actions shall not be considered proximate causes although they may be assessed points under the point system specifically set forth in General Statutes 20-16(c), including but not limited to:
  - (a) No driver's license;
  - (b) No liability insurance;
  - (c) Failure to report an accident;
  - (d) No motorcycle endorsement; and
  - (e) Other offenses of a like character not involving some actual physical driving action.
- (6) School Bus--Any vehicle, of whatever size and passenger capacity, whose primary and designated purpose is the transportation of school students over an established route to and from school for the regularly scheduled school day and which is equipped with alternately flashing red lights on the front and rear and a mechanical stop signal and which bears the words "School Bus" on the front and rear in letters not less than eight inches in height.
- (7) School Bus and Traffic Safety Section--That section of the North Carolina Division of Motor Vehicles whose primary responsibility is the training and certification of school bus drivers.
- (8) Training Course for School Bus Drivers--The course of study developed by the North Carolina Division of Motor Vehicles which sets forth the rules and laws governing school bus drivers and school bus operation as prescribed by the Division of Motor Vehicles and the State Board of Education.

*History Note: Authority G.S. 20-39(b); 20-218;  
Eff. April 1, 1989;  
Amended Eff. December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

**19A NCAC 03G .0205 ISSUING OF ORIGINAL CERTIFICATE**

Any applicant for certification as a school bus driver shall meet the following minimum requirements:

- (1) Legal:
  - (a) Shall be at least 18 years of age with at least six months driving experience as a licensed operator of a motor vehicle, and shall possess a valid North Carolina driver license of Class A, B, or C. In the event a prospective driver shall have his place of residence in another state, he may be certified as a school bus driver if he submits a copy of his driving record from the state in which he is licensed before his initial certification. Also, he must notify both his employer and the N.C. School Bus and Traffic Safety Section within 30 days of a conviction of any moving violation no matter what type of vehicle he was driving.
  - (b) Shall within a period of one year (12 months) immediately preceding certification have on his driving record:
    - (i) No more than one conviction of any moving violation;
    - (ii) No conviction whatever of:
      - (A) Reckless driving;
      - (B) Speeding in excess of 15 mph above the posted limit; or
      - (C) Passing a stopped school bus;
    - (iii) No conviction of a moving violation which was the proximate cause of an accident.
  - (c) Shall within a period of two years (24 months) immediately preceding certification have on his driving record no suspension or revocation of the driving privilege other than for such status offenses as:
    - (i) Lapsed liability insurance;
    - (ii) Failure to appear in court;
    - (iii) Failure to comply with out-of-state citation; or
    - (iv) A 30-day revocation not accompanied by a subsequent conviction of driving while impaired.
  - (d) Shall within a period of five years (60 months) immediately preceding certification have on his driving record:
    - (i) No more than three convictions of moving violations of any kind;
    - (ii) No more than two convictions of moving violations which were the proximate causes of accidents;
    - (iii) No conviction of driving while impaired;
    - (iv) No suspension or revocation of the driving privilege other than for:
      - (A) Those status offenses enumerated in Paragraph (c) of this Rule,
      - (B) Those offenses enumerated in G.S. 20-16(a), subsections (9) and (10).
  - (e) Shall have on his driving record no more than one conviction of driving while impaired.
  - (f) Shall have no "STOP" entry appearing on his driving record at the time of certification.
  - (g) Shall have no record of any conviction of a violation of the criminal code greater than a misdemeanor for a period of at least five years immediately preceding certification. Further, shall never have had in any jurisdiction a conviction of an offense against the public morals, including but not limited to rape and child molestation.
  - (h) Shall have a driving record which in its overall character arouses no serious question about the reliability, judgment, or emotional stability of the applicant.
  - (i) Shall successfully complete the training course for school bus drivers.
- (2) Physical Standards for School Bus Drivers. Every school bus driver shall meet the physical standards set forth in The North Carolina Physician's Guide To Driver Medical Evaluation, published in June 1995 by the Division of Epidemiology, North Carolina Department of Health and Human Services, which is available without charge from the School Bus & Traffic Safety Section of the Division of Motor Vehicles including any subsequent amendments and editions.

*History Note:* Authority G.S. 20-39(b); 20-218;  
Eff. April 1, 1989;  
Amended Eff. August 1, 2000; January 1, 1994;  
Temporary Amendment Eff. May 18, 2001;

*Amended Eff. April 1, 2003; August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03G .0206 PERIOD OF CERTIFICATION**

A school bus driver certificate shall expire on the expiration date of the driver's commercial driver license.

*History Note: Authority G.S. 20-39(b); 20-218;  
Eff. April 1, 1989;  
Amended Eff. August 1, 2000; August 1, 1991; September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03G .0207 RENEWAL OF CERTIFICATION**

Every driver must be re-certified at the time of the expiration of his Commercial Driver License upon passing the four written tests (general knowledge, passenger transport, school bus, and air brakes), a pre-trip inspection observation, a driving observation, and an eye screening. A driver shall be exempted from the written tests, provided he has accumulated no more than three points on his driving record since his last certification and has had at least one hour of in-service training for each year since his last certification. A driver whose certification expires may be re-certified within 30 days in the same manner as though his certification had not expired. Any driver whose certification expires for more than 30 days may be re-certified within the next year following the expiration upon passing the four written tests (general knowledge, passenger transport, school bus, and air brakes), the three skills tests (pre-trip inspection, basic skills, and road), and an eye screening. If more than one year has elapsed since the expiration of the most recent certification, the applicant must complete the full training course required of a beginning driver.

*History Note: Authority G.S. 20-39(b); 20-218;  
Eff. April 1, 1989;  
Amended Eff. June 1, 2004; August 1, 2000; July 1, 1994; August 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03G .0208 TRANSFER OF CERTIFICATION**

Certification as a school bus driver may be transferred from any part of this State to any other if all records compiled by the School Bus and Traffic Safety Representative in the former district for which the driver drove shall be forwarded to the School Bus and Traffic Safety Representative in the new district.

*History Note: Authority G.S. 20-39(b); 20-218;  
Eff. April 1, 1989;  
Readopted Eff. June 1, 2021.*

#### **19A NCAC 03G .0209 CANCELLATION OF CERTIFICATION**

- (a) The Division of Motor Vehicles shall cancel the school bus driver certificate of any driver for the following reasons:
- (1) Any determination that the certificate was issued on the basis of misinformation, false statements, or fraud.
  - (2) A suspension, revocation, or cancellation of the driver license.
  - (3) Conviction of any of the following motor vehicle moving offenses:
    - (A) Driving while impaired;
    - (B) Passing a stopped school bus;
    - (C) Hit and run;
    - (D) Careless and reckless driving;
    - (E) Excessive speeding involving a single charge of speeding more than 15 miles per hour above the posted speed limit;
    - (F) Two convictions within a period of 12 months;
    - (G) A violation committed while operating a school bus.
    - (H) A violation of any State or local law relating to motor vehicle traffic control, other than a parking violation, arising in connection with a fatal accident;

- (I) Improper or erratic lane changes;
  - (J) Following the vehicle ahead too closely;
  - (K) Driving a commercial motor vehicle without obtaining a commercial driver's license;
  - (L) Driving a commercial motor vehicle without a commercial driver's license in the driver's possession. However, a person shall not be convicted of failing to carry a commercial driver's license if by the date the person is required to appear in court for the violation he or she produces to the court a commercial driver's license that was valid on the date of the offense;
  - (M) Driving a commercial motor vehicle without the proper class of commercial driver's license or endorsements for the specific vehicle group being operated or for the passenger or type of cargo being transported.
- (4) A determination of physical or mental inadequacy under the provisions of the physical requirements noted in Rule .0205 of this Section.
  - (5) A local cancellation of certification, in the discretion of the local administrative unit, for violation of local regulations, submitted to the Driver Education Specialist for cancellation at the state level. If there is not an offense or conviction that would require a mandatory cancellation by the Section, the Driver Education Specialist shall handle the cancellation locally by canceling the certificate at the garage and retain the pocket card in his files.
  - (6) A driving record which in its overall character arouses question about the reliability, judgment, or emotional stability of the driver.
  - (7) Conviction of a violation of G.S. 20-142.1 through 20-142.5 when the driver is operating a commercial motor vehicle. The driver shall be disqualified from driving a commercial motor vehicle as follows:
    - (A) For a period of 60 days if convicted of a first violation of a railroad grade crossing offense listed in this Subparagraph;
    - (B) For a period of 120 days if convicted during any three-year period of a second violation of any combination of railroad grade crossing offenses listed in this subparagraph;
    - (C) For a period of one year if convicted during any three-year period of a third or subsequent violation of any combination of railroad grade crossing offenses listed in this Subparagraph.
- (b) Upon recommendation of the Driver Education Specialist or local school officials, the Division of Motor Vehicles shall require re-examination of any certified driver whose qualifications become questionable or who exhibits evidence of improper or unsafe driving practices and driving procedures. If such a re-examination reveals a problem, the Driver Education Specialist shall suspend the certified driver from driving any school bus pending re-training of the driver. If the problem cannot be corrected, the Driver Education Specialist shall cancel the certification of the school bus driver.

*History Note:* Authority G.S. 20-39(b); 20-218;  
 Eff. April 1, 1989;  
 Amended Eff. June 1, 2004; August 1, 2000; December 1, 1993; August 1, 1991; September 1, 1990;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03G .0210 APPEAL OF CANCELLATION OF CERTIFICATION**

Any driver whose certificate is cancelled under Rule .0209(3)(g) of this Section shall have the opportunity to forward an appeal to the director of the School Bus and Traffic Safety Section in Raleigh, stating the special circumstances which the driver feels should be considered in mitigation of the cancellation. The Director of the School Bus and Traffic Safety Section shall appoint such members of an appeals committee as he shall deem appropriate to consider such appeals; and his decision shall be final.

*History Note:* Authority G.S. 20-39(b); 20-218;  
 Eff. April 1, 1989;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03G .0211 SUSPENSION FOR FAILURE TO APPEAR IN COURT**

A driver who fails to appear in court as scheduled to answer charges shall be suspended pending the actual appearance in court of the driver and the disposition of the case.

*History Note:* Authority G.S. 20-39(b); 20-218;  
Eff. April 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03G .0212 DATE OF CANCELLATION**

*History Note:* Authority G.S. 20-39(b); 20-218;  
Eff. April 1, 1989;  
Amended Eff. December 1, 1993;  
Repealed Eff. June 1, 2021.

#### **19A NCAC 03G .0213 RENEWAL OF CERTIFICATION AFTER CANCELLATION**

(a) Any driver whose school bus driver certificate has been canceled shall not be eligible to apply for re-certification for a period of six months from the date of cancellation. Any person so applying must be recommended by a school official and shall be required to complete the full training course required for a beginning driver. Such person must meet all the requirements of an original applicant.

(b) The only exceptions to this policy shall be in the case of a local cancellation, in which a written request from a school official will be required, and in the case of a suspension for the duration of a status offense such as lapsed liability insurance, failure to appear in court, or failure to comply with an out-of-state citation.

(c) For the purposes of this Section a 30-day revocation shall be considered a suspension for a driving action. The driver will remain suspended until the adjudication of the case. If at the adjudication of the case the driver is found not guilty of driving while impaired, he may be re-instated. If the driver is found guilty of driving while impaired, his suspension will be declared effective, and he will not be considered for re-certification for a period of five years following the date of conviction.

*History Note:* Authority G.S. 20-39(b); 20-218;  
Eff. April 1, 1989;  
Amended Eff. August 1, 2000; August 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

### **SECTION .0300 - RESTRICTED INSTRUCTION PERMIT**

#### **19A NCAC 03G .0301 DRIVER EDUCATION PERMIT**

The student's vision and physical condition shall be checked by a representative of the Division or medical personnel and the results recorded on the permit. The restricted instruction permit shall be signed by a representative of the Division.

*History Note:* Authority G.S. 20-7(m); 20-39;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; November 1, 1991; February 1, 1982;  
Readopted Eff. June 1, 2021.

#### **19A NCAC 03G .0302 COMMERCIAL SCHOOL INSTRUCTORS**

#### **19A NCAC 03G .0303 EXEMPTION**

#### **19A NCAC 03G .0304 PUBLICATIONS**

*History Note:* Authority G.S. 20-1; 20-320 through 20-328;  
Eff. July 1, 1978;  
Repealed Eff. July 2, 1979.

### **SECTION .0400 - DRIVER IMPROVEMENT CLINICS**

#### **19A NCAC 03G .0401 CLINICS**

(a) The School Bus and Traffic Safety Section shall operate driver improvement clinics in various locations across the state. Any volunteer may be allowed to participate in these clinics. Any driver who has been convicted of moving violations may be

given an opportunity to attend such a clinic as a part of probationary agreement between him and a hearing officer of the Driver License Section of the Division of Motor Vehicles. A driver may also be assigned to the clinic by any court in any jurisdiction or by any other state's driver licensing agency.

(b) The course shall be the National Safety Council Defensive Driving Course.

(c) Satisfactory attendance shall be judged by the instructor in the clinic with notification to the assigning agency at the close of the clinic.

*History Note:* Authority G.S. 20-1; 20-16(c); 20-16(d); 20-16(e); 20-39(b);  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; November 1, 1991; October 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03G .0402 INFORMATION**

Dates, locations, and places of clinics are available through the School Bus and Traffic Safety Section and are on file in the Commissioner of Motor Vehicles' Office for inspection and review during normal office hours.

*History Note:* Authority G.S. 20-1; 20-16(c), (d), (e); 20-39(b);  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

### **SECTION .0500 - COMMERCIAL DRIVER TRAINING SCHOOL AND INSTRUCTOR LICENSE**

#### **19A NCAC 03G .0501 COMMERCIAL DRIVER TRAINING SCHOOLS**

*History Note:* Authority G.S. 20-1; 20-320 through 20-328;  
Eff. July 1, 1978;  
Repealed March 1, 1982.

#### **19A NCAC 03G .0502 COURSE CONTENT**

*History Note:* Authority G.S. 20-1; 20-3;  
Eff. July 1, 1978;  
Repealed Eff. February 1, 1982.

### **SECTION .0600 - DRIVER EDUCATION PROGRAM**

#### **19A NCAC 03G .0601 DRIVER EDUCATION AND SAFETY PROGRAM INFORMATION**

(a) The School Bus and Traffic Safety Section provides a number of driver education programs, safety programs, work books and course materials, safety literature and safety films to interested groups. These materials are available on loan to groups that present the programs on their own or, upon request, a driver education specialist will present the program.

(b) Some of the courses offered are:

- (1) defensive driving course (National Safety Council);
- (2) presentations on general traffic safety subjects;
- (3) school bus passenger safety;
- (4) bicycle, mini-bike and pedestrian training;
- (5) basic driver education program.

(c) Information concerning course content, scheduling and an index of safety films (approximately 250 titles) is available from:

School Bus and Traffic Safety Section  
Division of Motor Vehicles  
1100 New Bern Avenue



Raleigh, North Carolina 27697.

*History Note:* Authority G.S. 20-1; 20-3; 20-39(b);  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991; February 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

**19A NCAC 03G .0602 INFORMATION**

*History Note:* Authority G.S. 20-1; 20-3;  
Eff. July 1, 1978;  
Repealed Eff. February 1, 1982.

**SECTION .0700 - BASIC DRIVER EDUCATION COURSE**

**19A NCAC 03G .0701 DRIVER EDUCATION COURSE  
19A NCAC 03G .0702 INFORMATION**

*History Note:* Authority G.S. 20-1; 20-3;  
Eff. July 1, 1978;  
Repealed Eff. February 1, 1982.

**SECTION .0800 - SAFETY PROGRAMS**

**19A NCAC 03G .0801 SAFETY PROGRAM INFORMATION  
19A NCAC 03G .0802 TRAFFIC SAFETY FILMS  
19A NCAC 03G .0803 SAFETY LITERATURE**

*History Note:* Authority G.S. 20-1; 20-3;  
Eff. July 1, 1978;  
Repealed Eff. February 1, 1982.

**SECTION .0900 - FORMS**

**19A NCAC 03G .0901 TRAFFIC SAFETY EDUCATION FORMS  
19A NCAC 03G .0902 FORM AVAILABILITY**

*History Note:* Authority G.S. 20-1;  
Eff. July 1, 1978;  
Repealed Eff. February 1, 1982.

**SUBCHAPTER 3H - GOVERNOR'S HIGHWAY SAFETY PROGRAM**

**SECTION .0100 - PURPOSE OF THE OFFICE**

**19A NCAC 03H .0101 FEDERAL HIGHWAY SAFETY ACT  
19A NCAC 03H .0102 HIGHWAY SAFETY STANDARDS  
19A NCAC 03H .0103 ESTABLISHMENT OF A HIGHWAY SAFETY PROGRAM  
19A NCAC 03H .0104 GRANT-IN-AID TO STATE AND LOCAL GOVERNMENTS  
19A NCAC 03H .0105 COST PRINCIPLES APPLICABLE TO GRANTS AND CONTRACTS**

## **19A NCAC 03H .0106 ORGANIZATION**

*History Note:* Authority G.S. 143B-360; 147-12; 23 U.S.C. 402; Federal Management Circular 74-4;  
Federal Management Circular 74-7;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991;  
Repealed Eff. January 1, 1994 pursuant to 1991 S.L., c. 477, s. 3;  
Transferred and Recodified to 19A NCAC 5D .0100 Eff. January 1, 1999.

## **SECTION .0200 - PROGRAM DEVELOPMENT**

### **19A NCAC 03H .0201 APPLICATION FOR HIGHWAY SAFETY PROJECT CONTRACT**

*History Note:* Authority G.S. 136-18(5) and (12); 143B-357; 143B-360;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; November 1, 1991; February 1, 1982;  
Transferred and Recodified to 19A NCAC 5D .0200 Eff. January 1, 1999.

### **19A NCAC 03H .0202 LOCAL GOVERNMENT APPLICATION FOR SPEED MEASURING DEVICE 19A NCAC 03H .0203 APPLICATION FOR ALCOHOL BREATH TESTING DEVICE**

*History Note:* Authority G.S. 143B-357; 143B-360;  
Eff. July 1, 1978;  
Amended Eff. February 1, 1982;  
Repealed Eff. November 1, 1991;  
Transferred and Recodified to 19A NCAC 5D .0200 Eff. January 1, 1999.

### **19A NCAC 03H .0204 APPLICATION FOR ENROLLMENT IN POLICE TRAINING COURSES**

*History Note:* Authority G.S. 136-18(5) and (12); 143B-357; 143B-360;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; February 1, 1982;  
Transferred and Recodified to 19A NCAC 5D .0200 Eff. January 1, 1999.

### **19A NCAC 03H .0205 QUARTERLY PROGRESS REPORTS**

*History Note:* Authority G.S. 136-18(5) and (12); 143B-357; 143B-360;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; November 1, 1991; February 1, 1982;  
Transferred and Recodified to 19A NCAC 5D .0200 Eff. January 1, 1999.

### **19A NCAC 03H .0206 TRAFFIC ENFORCEMENT ACTIVITY REPORT**

*History Note:* Authority G.S. 143B-360;  
Eff. July 1, 1978;  
Repealed Eff. November 1, 1991;  
Transferred and Recodified to 19A NCAC 5D .0200 Eff. January 1, 1999.

### **19A NCAC 03H .0207 ON SITE PROJECT REPORT**

*History Note:* Authority G.S. 136-18(5) and (12); 143B-357; 143B-360;  
Eff. July 1, 1978;  
Amended Eff. January 1, 1994; November 1, 1991; February 1, 1982;  
Transferred and Recodified to 19A NCAC 5D .0200 Eff. January 1, 1999.

**19A NCAC 03H .0208 FINAL ACCOMPLISHMENT REPORT**

*History Note:* Authority G.S. 136-18(5) and (12); 143B-357; 143B-360;  
Eff. July 1, 1978;  
Amended Eff. January 1, 1994; November 1, 1991; February 1, 1982;  
Transferred and Recodified to 19A NCAC 5D .0200 Eff. January 1, 1999.

**19A NCAC 03H .0209 APPLICATION FOR FEDERAL GRANT FOR AMBULANCE VEHICLE**  
**19A NCAC 03H .0210 APPLICATION FOR FEDERAL GRANT FOR POLICE VEHICLE**

*History Note:* Authority G.S. 143B-360;  
Eff. July 1, 1978;  
Amended Eff. February 1, 1982;  
Repealed Eff. November 1, 1991;  
Transferred and Recodified to 19A NCAC 5D .0200 Eff. January 1, 1999.

**19A NCAC 03H .0211 AVAILABILITY OF GOVERNOR'S HIGHWAY SAFETY PROGRAM FORMS**

*History Note:* Authority G.S. 136-18(5), (12); 143B-357; 143B-360;  
Eff. July 1, 1978;  
Amended Eff. November 1, 1991; February 1, 1982;  
Transferred and Recodified to 19A NCAC 5D .0200 Eff. January 1, 1999.

**SECTION .0300 - REIMBURSEMENT CLAIM PROCEDURES**

**19A NCAC 03H .0301 CLAIM FOR REIMBURSEMENT**

*History Note:* Authority G.S. 136-18(5) and (12); 143B-357; 143B-360;  
Eff. July 1, 1978;  
Amended Eff. December 1, 1993; November 1, 1991; February 1, 1982;  
Transferred and Recodified to 19A NCAC 5D .0300 Eff. January 1, 1999.

**19A NCAC 03H .0302 SUPPORTIVE CLAIM**

*History Note:* Authority G.S. 136-18(5) and (12); 143-129; 143B-357; 143B-360;  
Eff. July 1, 1978;  
Amended Eff. January 1, 1994; November 1, 1991; February 1, 1982;  
Transferred and Recodified to 19A NCAC 5D .0300 Eff. January 1, 1999.

**19A NCAC 03H .0303 REQUEST FOR REIMBURSEMENT AUDIT**

*History Note:* Authority G.S. 136-18(5) and (12); 143B-357; 143B-360;  
Eff. July 1, 1978;  
Amended Eff. January 1, 1994; November 1, 1991; February 1, 1982;  
Transferred and Recodified to 19A NCAC 5D .0300 Eff. January 1, 1999.

**SECTION .0400 - NONEXPENDABLE EQUIPMENT**

**19A NCAC 03H .0401 VERIFICATION OF ADHERENCE TO PURCHASING PROCEDURES**

*History Note:* Authority G.S. 136-18(5) and (12); 143-52; 143-53; 143-53.1; 143-54; 143B-357; 143B-360; 143-129;  
Eff. July 1, 1978;  
Amended Eff. January 1, 1994; November 1, 1991; February 1, 1982;  
Transferred and Recodified to 19A NCAC 5D .0400 Eff. January 1, 1999.

## **19A NCAC 03H .0402    NONEXPENDABLE PROPERTY ACCOUNTABILITY RECORD**

*History Note:*    Authority G.S. 136-18(5) and (12); 143B-357; 143B-360;  
Eff. July 1, 1978;  
Amended Eff. January 1, 1994; November 1, 1991; February 1, 1982;  
Transferred and Recodified to 19A NCAC 5D .0400 Eff. January 1, 1999.

## **19A NCAC 03H .0403    DISPOSITION OF NONEXPENDABLE EQUIPMENT**

*History Note:*    Authority G.S. 136-18(5) and (12); 143B-357; 143B-360;  
Eff. July 1, 1978;  
Amended Eff. January 1, 1994; November 1, 1991; February 1, 1982;  
Transferred and Recodified to 19A NCAC 5D .0400 Eff. January 1, 1999.

## **19A NCAC 03H .0404    STATUS OF NONEXPENDABLE EQUIPMENT**

*History Note:*    Authority G.S. 136-18(5) and (12); 143B-357; 143B-360;  
Eff. July 1, 1978;  
Amended Eff. January 1, 1994; November 1, 1991; February 1, 1982;  
Transferred and Recodified to 19A NCAC 5D .0400 Eff. January 1, 1999.

### **SECTION .0500 - VEHICLE SPECIFICATIONS**

## **19A NCAC 03H .0501    POLICE VEHICLE SPECIFICATIONS**

## **19A NCAC 03H .0502    AMBULANCE SPECIFICATIONS**

*History Note:*    Authority G.S. 143B-360;  
Eff. July 1, 1978;  
Amended Eff. February 1, 1982;  
Repealed Eff. November 1, 1991;  
Transferred and Recodified to 19A NCAC 5D .0500 Eff. January 1, 1999.

## **19A NCAC 03H .0503    STANDARD VAN AMBULANCE TYPE II SPECIFICATIONS**

*History Note:*    Authority G.S. 143B-360;  
Eff. July 1, 1978;  
Repealed Eff. February 1, 1982;  
Transferred and Recodified to 19A NCAC 5D .0500 Eff. January 1, 1999.

## **19A NCAC 03H .0504    AMBULANCE VEHICLE INSPECTION**

*History Note:*    Authority G.S. 143B-360;  
Eff. July 1, 1978;  
Amended Eff. February 1, 1982;  
Repealed Eff. November 1, 1991;  
Transferred and Recodified to 19A NCAC 5D .0500 Eff. January 1, 1999.

## **SUBCHAPTER 03I - RULES AND REGULATIONS GOVERNING THE LICENSING OF COMMERCIAL DRIVER EDUCATION TRAINING SCHOOLS AND INSTRUCTORS**

### **SECTION .0100 - GENERAL PROVISIONS**

## **19A NCAC 03I .0101    LOCATION OF DIVISION OF MOTOR VEHICLES**

The School Bus and Traffic Safety Section of the North Carolina Division of Motor Vehicles is located at:  
1100 New Bern Avenue  
Raleigh, North Carolina 27697

All forms required by the rules contained in this Subchapter (hereinafter referred to as "rules") may be obtained at this address.

*History Note:* Authority G.S. 20-1; 20-39(b); 20-320 through 20-339;  
Eff. July 2, 1979;  
Amended Eff. December 1, 1993; May 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03I .0102 PURPOSE OF REGULATIONS**

Article 14, Chapter 20 of the General Statutes of North Carolina provides for the licensing and regulation of commercial driver training schools and instructors. Pursuant to the authority contained in this law, the Commissioner of Motor Vehicles has hereby adopted the regulations contained in this Subchapter concerning the administration and enforcement of that Article. These regulations establish minimum standards for the operation of commercial driver training schools and will be used by the Division of motor vehicles in administering Article 14.

*History Note:* Authority G.S. 20-321;  
Eff. July 2, 1979;  
Amended Eff. December 1, 1993;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03I .0103 EFFECTIVE DATES**

*History Note:* Authority G.S. 20-321;  
Eff. July 2, 1979;  
Repealed Eff. June 1, 1982.

#### **19A NCAC 03I .0104 DEFINITIONS**

As used in the regulations contained in this Subchapter:

- (1) "Commercial Driver Training School Branch Office" or "Branch" is a training facility operated by a commercial driver training school at a location different than the principal place of business, where the education and training of persons, either practical or theoretical, or both, to operate or drive a motor vehicle is carried on and a consideration or tuition is charged therefor.
- (2) "Hearing Officer" means an officer or employee of the Division appointed by the commissioner, who has a minimum of five years of experience as a supervisor and thorough knowledge of the laws and regulations governing the Division.
- (3) "Representative" means a duly authorized employee of the Division of Motor Vehicles.
- (4) "Restricted Commercial Driver Training School" means a commercial driver training school which is restricted to a curriculum of evaluation for licensed adult drivers only.

*History Note:* Authority G.S. 20-4.01; 20-320; 20-321;  
Eff. July 2, 1979;  
Amended Eff. December 1, 1993; May 1, 1987; June 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

### **SECTION .0200 - REQUIREMENTS AND APPLICATIONS FOR COMMERCIAL DRIVER TRAINING SCHOOLS**

#### **19A NCAC 03I .0201 REQUIREMENTS**

The Division shall not issue a commercial driver training school license to any individual, partnership, group, association or corporation unless:

- (1) The individual, partnership, group, association or corporation has at least one motor vehicle registered or leased in the name of the school, which vehicle has been inspected by a representative of the Division and vehicle insurance certified as required by this Subchapter for use by the school for driver training purposes and driver instruction.
- (2) The individual, partnership, group, association, or corporation has at least one person licensed by the Division as a commercial driver training instructor for that school.
- (3) Each manager, owner-operator, or instructor of a commercial driver training school or branch shall:
  - (a) be of good moral character;
  - (b) have at least four years of experience as a licensed operator of a motor vehicle;
  - (c) not have been convicted of a felony or convicted of a misdemeanor involving moral turpitude in the ten years immediately preceding the date of application; and
  - (d) not have had a revocation or suspension of his Class A, B or C license in the two years immediately preceding the date of application.

*History Note:* Authority G.S. 20-322;  
Eff. July 2, 1979;  
Amended Eff. December 1, 1993; April 1, 1989; May 1, 1987; June 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03I .0202 ORIGINAL APPLICATION**

Each original application for a commercial driver training school license shall consist of the following:

- (1) Application for license;
- (2) Personal history statement (Form SBTS-601, available from the School Bus and Traffic Safety Section) of owner-operator or manager;
- (3) Proposed plan of operation;
- (4) Proof of liability insurance;
- (5) Sample copies of contracts;
- (6) A check or money order in the amount of eighty dollars (\$80.00). This fee is due for both original and renewal applications for license;
- (7) Certificate of assumed name;
- (8) Surety Bond;
- (9) A report from the appropriate government agency indicating that the location or locations meet fire safety standards;
- (10) A copy of the deed, lease, or other legal instruments authorizing the school to occupy such locations;
- (11) List of fees for all services offered by the school;
- (12) A copy of lease agreement if leasing vehicles; and
- (13) A copy of the business insurance covering injury to a student.

*History Note:* Authority G.S. 20-322; 20-323;  
Eff. July 2, 1979;  
Amended Eff. April 1, 1999; July 1, 1994; December 1, 1993; September 1, 1990; April 1, 1989;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03I .0203 RENEWAL APPLICATIONS**

Renewal applications shall be made every two years. All licenses expire on the anniversary date, and no school is permitted to operate with an expired license. However, applications for renewal may be accepted for up to 30 days from the date of expiration. Any license expired for more than 30 days shall be deemed permanently lapsed; and renewal of such license must be by the same process as required for an entirely new school, with all forms and certifications being required.

*History Note:* Authority G.S. 20-322; 20-324; 20-325;  
Eff. July 2, 1979;

*Amended April 1, 1999; June 1, 1982;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03I .0204      DUPLICATE COPIES**

All applications, either original or renewal, for a commercial driver training school or branch shall be completed in duplicate. The original copy of each form shall be submitted to the School Bus and Traffic Safety Section of the Division of Motor Vehicles at the address specified in Rule .0101 of this Subchapter. A copy of each form shall be filed at the place of business.

*History Note:      Authority G.S. 20-322 through 20-324;*

*Eff. July 2, 1979;*

*Amended Eff. May 1, 1987;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03I .0205      CHANGES IN APPLICATION INFORMATION**

The Division must be notified in writing within 10 days of any changes in the officers, directors, owners, or manager of any school or branch. The Division must also be informed within 10 days of the addition or deletion of any motor vehicles, and a supplemental schedule of motor vehicles must be filed. (Supplemental motor vehicle schedules shall be accompanied by a properly executed insurance certificate.) If the school has a change in ownership, the new owner must file an original application with the Division as described in Rule .0202 of this Section and be approved by the Division before beginning operation of the school under the new ownership. Failure to inform the Division of the required changes shall be grounds for suspension or revocation of the license.

*History Note:      Authority G.S. 20-322 through 20-324;*

*Eff. July 2, 1979;*

*Amended Eff. May 1, 1987;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03I .0206      LICENSE FEES**

*History Note:      Authority G.S. 20-324;*

*Eff. July 2, 1979;*

*Amended Eff. June 1, 1982;*

*Repealed Eff. May 1, 1987.*

#### **19A NCAC 03I .0207      BRANCH OFFICES**

Any school desiring to open a branch shall make application for such branch on forms furnished by the Division in the same manner and to the same extent as for an original license. A commercial driver training school may operate a branch office anywhere in the state provided the branch meets all the requirements of the principal place of business.

*History Note:      Authority G.S. 20-322; 20-323; 20-324;*

*Eff. July 2, 1979;*

*Amended Eff. August 1, 2000;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03I .0208      SURRENDER OF LICENSES**

Any licensed commercial driver training school or branch which ceases to carry on the business of giving instruction for hire in the driving of motor vehicles or which has a change of ownership shall, within five days, surrender its commercial driver training school license and all instructor licenses issued to driver training instructors employed by the school.

*History Note:      Authority G.S. 20-322 through 20-325;*

*Eff. July 2, 1979;*

*Amended Eff. May 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03I .0209      LICENSE REQUIRED**

No school or branch shall operate, advertise for business or collect monies without the proper license in hand as set forth in this Subchapter.

*History Note:      Authority G.S. 20-322;  
Eff. July 2, 1979;  
Amended Eff. December 1, 1993; September 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03I .0210      LICENSE FEES**

*History Note:      Authority G.S. 20-324;  
Eff. February 1, 1988;  
Repealed Eff. December 1, 1993.*

### **SECTION .0300 – SCHOOL LOCATION: PHYSICAL FACILITIES: AND COURSES OF INSTRUCTION**

#### **19A NCAC 03I .0301      GENERAL PROVISIONS**

Every school shall maintain a business office open to the public in a permanent-type building. Schools or branches may not be located within or adjacent to a building in which applications for driver licenses are received by the Division; and no business may be solicited on property occupied by or adjacent to a building in which applications for driver's licenses are received by the Division.

*History Note:      Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-324;  
Eff. July 2, 1979;  
Amended Eff. August 1, 2000; June 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03I .0302      OFFICE**

The office shall be the principal place of business, and must be sufficient for conducting all business related to the operation of the school including, but not limited to:

- (1) facilities for conducting personal interviews;
- (2) storage of all records required for the operation of the school;
- (3) secretarial or telephone answering service available for a minimum of six hours between 9:00 a.m. and 5:00 p.m. on normal business days;
- (4) a copy of North Carolina Motor Vehicle Laws Chapter 20 of the General Statutes; and
- (5) if located in conjunction with classroom facilities, office must be separated by a physical barrier.

*History Note:      Authority G.S. 20-321; 20-322; 20-323; 20-324;  
Eff. July 2, 1979;  
Amended Eff. August 1, 2000; December 1, 1993; November 1, 1991; June 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03I .0303      CLASSROOM FACILITY**

In order for a commercial driving school to obtain and maintain a license, the school shall conduct classwork in a facility approved by the Division of Motor Vehicles. The classroom facility shall meet the following requirements:

- (1) not less than 120 square feet, which includes at least 70 square feet for the instructor and his or her equipment and 12 square feet for each student;



- (2) lighting, heating, and ventilation systems that are in compliance with all State and local laws and ordinances including zoning, public health, safety, and sanitation;
- (3) seats and writing surfaces for all students; presentations visible from all seats; charts, diagrams, mock-ups, and pictures relating to the operation of motor vehicles, traffic laws, physical forces, and correct driving procedures; a copy of the Driver's Handbook published by the Division for each student; lesson materials to reflect current motor vehicle laws for each student; and
- (4) restroom facilities for the class size.

*History Note:* Authority G.S. 20-322;  
 Eff. July 2, 1979;  
 Amended Eff. December 1, 1993; November 1, 1991; April 1, 1989; June 1, 1982;  
 Readopted Eff. June 1, 2021.

#### **19A NCAC 03I .0304 BRANCHES**

*History Note:* Authority G.S. 20-322 through 20-324;  
 Eff. July 2, 1979;  
 Repealed Eff. May 1, 1987.

#### **19A NCAC 03I .0305 DISPLAY OF LICENSES**

Every school and branch must have displayed in a prominent place in its office licenses issued to it by the Division, a list of all instructors, and a list of fees for all services offered by the school or branch.

*History Note:* Authority G.S. 20-322 through 20-324;  
 Eff. July 2, 1979;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03I .0306 INSPECTIONS**

The Division shall make periodic inspections (at least annually) of schools and branches to determine compliance with laws. The inspection shall be made during regular business hours by authorized representatives of the Division. Inspections shall include examination of all school records; contracts; classroom facilities; training devices; instructional materials and instructional methods; vehicles; and any other item required by law or regulation. Each owner, partner, associate, corporate officer, or employee of any commercial driver training school shall cooperate with the Division's representative and, upon demand, shall exhibit all records, instructional aids and equipment, and any other items which are required for the inspection. Refusal to permit inspections shall be grounds for revocation of the license. Records shall be retained by the school for a period of three years.

*History Note:* Authority G.S. 20-321 through 20-324;  
 Eff. July 2, 1979;  
 Amended Eff. December 1, 1993; May 1, 1987; June 1, 1982;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03I .0307 COURSES OF INSTRUCTION**

Commercial driver training schools shall teach the following courses:

- (1) For persons 18 years of age or older, a course as follows:
  - (a) Classroom Instruction. A minimum of six hours, including rules of the road and other laws affecting the operation of motor vehicles, safe driving practices, pedestrian safety, and the general responsibilities of the driver. No class shall consist of more than 50 students. Classroom work shall be limited to no more than six hours per day.
  - (b) Behind-the-Wheel Instruction. A minimum of six hours, including instruction and practice in all the basic physical skills necessary for proper control of a motor vehicle in all normal driving situations, such as starting, stopping, steering and turning, controlling the vehicle in traffic,

- backing, and parking. A valid learner's permit issued by the Driver License Section of the Division is required.
- (c) A person holding a valid learner's permit issued by the Driver License Section of the Division shall not be required to take the six hours of classroom instruction set forth in Sub-item (1)(a) of this Rule.
  - (d) A person holding a valid learner's permit or driver's license issued by the Driver License Section of the Division may contract for any portion of the six-hour behind-the-wheel instruction.
- (2) For licensed persons, a course for purposes of driver improvement, such as improving their knowledge and skill in the operation of a motor vehicle.
  - (3) For unlicensed persons under the age of 18 years, courses shall be governed by G.S. 115C-215 and Rule 16 NCAC 06E .0301.
  - (4) For licensed persons taking a course offered by a restricted commercial driver training school, the following courses are authorized:
    - (a) Curriculum for evaluation and improvement for licensed adult drivers only, utilizing over-the-road observation in vehicles not owned by the school or equipment such as driving simulators.
    - (b) Professional curricula, including one or more of the following:
      - (i) police pursuit driving;
      - (ii) auto-cross driving;
      - (iii) emergency-vehicle driving; or
      - (iv) road and track racing.
  - (5) Instructor training program, the requirements for which are:
    - (a) The school must be licensed for one full year prior to approval.
    - (b) All work must be with an instructor licensed as an Instructor Trainer.
    - (c) A proposed plan of operation must be submitted to the Division outlining the training schedule, including:
      - (i) instruction in:
        - (A) using effective teaching methods,
        - (B) writing lesson plans,
        - (C) reviewing of Subchapter 03I Rules Governing the Licensing of Commercial Driver Training Schools and Instructors,
        - (D) using audio visual equipment and teaching aids,
        - (E) filling out all commercial school forms, and
      - (ii) listing names of instructor trainers to be employed for the training program.

*History Note:* Authority G.S. 20-321; 20-322; 20-323; 20-324;  
 Eff. July 2, 1979;  
 Amended Eff. August 1, 2000; July 1, 1994; December 1, 1993; November 1, 1991; April 1, 1989;  
 Readopted Eff. July 1, 2021.

#### **19A NCAC 03I .0308 BRANCHES**

A branch shall meet all requirements of a principal place of business including those listed in Rules .0302 and .0303 of this Section.

*History Note:* Authority G.S. 20-322 through 20-324;  
 Eff. February 1, 1988;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

### **SECTION .0400 – MOTOR VEHICLES USED IN INSTRUCTION**

#### **19A NCAC 03I .0401 VEHICLE EQUIPMENT**

Behind-the-wheel instruction of students in commercial driver training schools shall be conducted in motor vehicles owned or leased by the school. All vehicles used for the purpose of demonstration and practice shall:

- (1) be equipped with:
  - (a) dual controls on the foot brake;

- (b) dual controls on the clutch, if the vehicle is equipped with a clutch and manual transmission;
  - (c) seatbelts for both the instructor and the students which shall be worn by the instructor and students while the vehicle is being used for instructional purposes;
  - (d) an outside rearview mirror mounted on the right side of the vehicle;
  - (e) a heater and defroster in working condition;
  - (f) all other equipment required by Chapter 20 of the North Carolina General Statutes;
  - (g) cushions for short drivers;
  - (h) seat adjustments which allow the seat to move easily and smoothly and to be secured;
  - (i) door locks which operate and have no sharp knobs;
- (2) bear a conspicuously displayed sign with wording to alert the general public of a "Student Driver," name and phone number of commercial driver education school, or school system, with whom the contract is established. The required wording must be visible from both the front and rear of the vehicle.

*History Note:* Authority G.S. 20-321; 20-322; 20-323; 20-324;  
 Eff. July 2, 1979;  
 Amended Eff. August 1, 2000; December 1, 1993; September 1, 1990; February 1, 1983;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03I .0402 REGISTRATION: INSURANCE: INSPECTION**

- (a) Each vehicle used by the school shall be insured by a company licensed to do business in North Carolina against liability in the amount of at least fifty thousand dollars (\$50,000) because of injury to or destruction of property of others in any one accident, one hundred thousand dollars (\$100,000) because of bodily injury to or death of one person in any one accident, and three hundred thousand dollars (\$300,000) because of bodily injury to or death of two or more persons in any one accident. This insurance coverage shall be secured on an annual basis. In the event coverage for any vehicle used for driver instruction or training shall not be renewed, the school shall give written notice to the Division at least 10 days prior to the expiration date of the coverage. A certificate of insurance coverage shall be filed by the insurance underwriter with the Division. Cancellation shall be accomplished upon 15 days prior written notice to the Division by the insurance underwriter.
- (b) Each vehicle used by a school shall be listed and inspected in the manner prescribed by Rule .0401 of this Section. Each vehicle shall be inspected and approved by a representative of the Division before it is used and then annually.

*History Note:* Authority G.S. 20-321; 20-322;  
 Eff. July 2, 1979;  
 Amended Eff. August 1, 2000; May 1, 1987;  
 Readopted Eff. June 1, 2021.

#### **19A NCAC 03I .0403 EXEMPTION AND SPECIAL REQUIREMENT**

Restricted commercial driver training schools shall be exempt from the equipment requirements of Rule .0401 of this Section. All vehicles used in the instructional program shall meet the equipment requirements of Chapter 20 of the North Carolina General Statutes.

*History Note:* Authority G.S. 20-322 through 20-324;  
 Eff. July 2, 1979;  
 Amended Eff. May 1, 1987;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

### **SECTION .0500 - MOTOR VEHICLES OPERATED FOR HIRE**

#### **19A NCAC 03I .0501 REQUIREMENTS**

- (a) Each instructor of a commercial driver training school or branch shall:
- (1) have four years or more of experience as a licensed operator of a motor vehicle;
  - (2) not be denied on the basis of criminal record in accordance with if they have been convicted of a felony in the 10 years preceding the date of application;

- (3) not have had a revocation or suspension of his driver's license in the five years preceding the date of application;
  - (4) have graduated from high school or hold a high school equivalency certificate;
  - (5) not have had convictions for moving violations totaling five or more points in the three years preceding the date of application;
  - (6) have completed the 80-contact-hour, community-college course for driver education teachers; an equivalent course approved by the Commissioner, or an Instructor Training Program conducted by an licensed Commercial Driver Training School within four years prior to application;
  - (7) complete the written test administered by a School Bus and Traffic Safety representative; (Allowed only one retest)
  - (8) complete the Miller Road Test given by a School Bus and Traffic Safety representative; (Allowed only one retest)
  - (9) be issued an instructor's learning permit, valid for a three month probationary period;
  - (10) submit a criminal background check from the Clerk of Court for each county of residence for the past 10 years;
  - (11) be observed, evaluated, and recommended by a School Bus and Traffic Safety representative within the three month probationary period; and
  - (12) be exempt from the 80-contact-hour basic course, Miller Road Test, and the probationary period if the applicant is an accredited driver education teacher with a current certificate based on the requirements of the State Board of Education and if he or she completes the written Commercial Driver Education exam with a score of 80 or above, and if the test is administered by a School Bus and Traffic Safety representative. The applicant is allowed only one retest.
- (b) An applicant will be issued an instructor's learner's permit which will be valid for three months. To be eligible for an instructor's learner's permit, the applicant shall meet requirements in Subparagraphs (a)(1) through (10) of this Rule and shall:
- (1) submit an Instructor Application with a sixteen dollar (\$16.00) application fee, copy of high school diploma or high school equivalency certificate, and physical examination form;
  - (2) conduct two hours of classroom instruction within the three-month probationary period, while being observed and evaluated by a School Bus and Traffic Safety representative, if the instructor wants to be licensed as a classroom instructor;
  - (3) conduct two hours of behind the wheel instruction within the three-month probationary period, while being observed and evaluated by a School Bus and Traffic Safety representative, if the instructor wants to be licensed for behind the wheel instruction;
  - (4) be recommended by a School Bus and Traffic Safety representative to receive an instructor's license;
  - (5) be exempt from Subparagraphs (b)(2), (3), and (4) of this Rule if the applicant is an accredited driver education teacher with a current certificate based on the requirements of the State Board of Education.
- (c) An instructor at an approved commercial driver training school may apply for an Instructor Trainer license. The Instructor Trainer shall:
- (1) have five consecutive years as an active licensed instructor;
  - (2) submit an application for Instructor Trainer License;
  - (3) complete two hours of classroom observation by a School Bus and Traffic Safety representative while training instructors, not driver education students;
  - (4) complete two hours of behind-the-wheel observation by a School Bus and Traffic Safety representative while training instructors, not driver education students;
  - (5) complete the written test administered by a School Bus and Traffic Safety Representative; (Allowed only one retest)
  - (6) complete the Miller Road Test given by a School Bus and Traffic Safety Representative; (Allowed only one retest)
  - (7) be recommended by a School Bus and Traffic Safety representative; and
  - (8) shall renew instructor trainer license every other year, in conjunction with school renewal.
- (d) Each application for a commercial driver training instructor shall consist of:
- (1) SBTS-612 (application for instructor license) shall be completed and signed by the applicant;
  - (2) SBTS-602 (physical exam report) shall be completed and signed by a licensed physician;
  - (3) satisfactory evidence of high school graduation or equivalency;
  - (4) evidence of completion of NCDMV 80-hour basic driver education instructor course or equivalent;

- (5) a driver license record check for the previous three years if applicant has other than a North Carolina driver license or local background check for all counties they have resided in for the last 10 years for North Carolina residents; or
- (6) a check or money order in the amount of sixteen dollars (\$16.00).

*History Note:* Authority G.S. 20-33; 20-322; 20-323; 20-324;  
 Eff. July 2, 1979;  
 Amended Eff. August 1, 2000; April 1, 1999; August 1, 1994; December 1, 1993; November 1, 1991;  
 September 1, 1990;  
 Readopted Eff. June 1, 2021.

#### **19A NCAC 03I .0502 ORIGINAL APPLICATION**

Each original application for a commercial driver training instructor license shall consist of:

- (1) a combination application and personal history form which must be completed and signed by the applicant;
- (2) a physical examination report completed and signed by a licensed physician;
- (3) satisfactory evidence of high school graduation or equivalency;
- (4) evidence of completion of an approved driver education course;
- (5) a driver license record check for the previous three years if applicant has other than a North Carolina driver license; and
- (6) a check or money order in the amount of sixteen dollars (\$16.00).

*History Note:* Authority G.S. 20-322; 20-323; 20-324;  
 Eff. July 2, 1979;  
 Amended Eff. April 1, 1999; May 1, 1987; June 1, 1982;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03I .0503 RENEWAL APPLICATION**

(a) Renewal application shall be made by an instructor every two years. All licenses expire on the school's anniversary date, and no instructor is permitted to operate with an expired license. However, applications for renewal may be accepted for up to 30 days from the date of expiration. Any license expired for more than 30 days shall be deemed permanently lapsed; and renewal of such license must be by the same process as required for an entirely new license, with all forms and certifications being required.

(b) At least once every four years, an instructor must take the two-semester-hour college credit course required for the original license; provided, however, that an equivalent number of hours (64) may be substituted for this course in the following manner:

- (1) 16 hours (four for each full year of the four years) for active and continuing teaching of driver education;
- (2) 48 or more hours for attendance at teacher training workshops and short courses, professional driver training meetings and conferences in the field of driver education which have been approved in advance by the School Bus and Traffic Safety Section. Approval is to be given in the following manner:
  - (A) re-Course (submit for approval):
    - (i) name and address of agency sponsoring the workshop, course or conference;
    - (ii) title, dates, and location of the workshop, course, or conference;
    - (iii) brief description of the workshop, course, or conference, including the number of hours;
  - (B) Post-Course (submit for approval and credit):
    - (i) proof of attendance, number of contact hours actually attended, and passing grade (if applicable);
    - (ii) brief evaluation of the workshop, course, or conference.

(c) An accredited driver education teacher with a current certificate based on the requirements of the Department of Public Instruction is exempted from the requirements of Paragraph (b) of this Rule.

*History Note:* Authority G.S. 20-322; 20-323; 20-324; 20-325;  
 Eff. July 2, 1979;  
 Amended Eff. April 1, 1999; July 1, 1994; May 1, 1987; June 1, 1982;

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03I .0504      DUPLICATE COPIES**

All applications, either original or renewal, for a commercial driver training instructor license shall be completed in duplicate. The original copy of each form shall be submitted to the School Bus and Traffic Safety Section of the Division of Motor Vehicles. A copy of each form shall be filed at the place of business.

*History Note:      Authority G.S. 20-322 through 20-324;  
Eff. July 2, 1979;  
Amended Eff. June 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03I .0505      CONFIDENTIALITY**

*History Note:      Authority G.S. 20-320 through 20-328;  
Eff. July 2, 1979;  
Repealed Eff. January 1, 1994.*

#### **19A NCAC 03I .0506      LICENSE FEES**

*History Note:      Authority G.S. 20-324;  
Eff. July 2, 1979;  
Amended Eff. June 1, 1982;  
Repealed Eff. December 1, 1993.*

#### **19A NCAC 03I .0507      SURRENDER OF LICENSES**

Any licensed commercial driver training instructor who ceases to give instruction for hire in the driving of motor vehicles for the school for which he is licensed shall surrender his instructor's license within five days. The owner, partner, or chief corporate officer of the school shall be responsible for the return of the instructor's license to the Division on termination of employment of any instructor.

*History Note:      Authority G.S. 20-322 through 20-325;  
Eff. July 2, 1979;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03I .0508      LICENSE REQUIRED**

*History Note:      Authority G.S. 20-323;  
Eff. July 2, 1979;  
Repealed Eff. December 1, 1993.*

### **SECTION .0600 - CONTRACTS**

#### **19A NCAC 03I .0601      REQUIREMENTS**

(a) Commercial driver training school contracts with individual students, public schools, or private schools shall contain (but are not limited to) the following information:

- (1) the agreed total contract charges and full terms of payment thereof;
- (2) the number, nature, time and extent of lessons contracted for, including:
  - (A) classroom instruction:
    - (i) rate per hour;
    - (ii) date and time of first lesson and each subsequent lesson, the length of each lesson, and the total number of hours;

- (iii) type of instruction;
    - (iv) a limit of fifty students and no more than three hours of classroom work per day on school days and six hours per day on non-school days for unlicensed individuals under the age of eighteen.
  - (B) behind-the-wheel instruction:
    - (i) rate per hour;
    - (ii) date and time of first lesson and each subsequent lesson, the length of each lesson, and the total number of hours;
    - (iii) nature of lessons, whether individual or group. An instructor may not provide behind-the-wheel training to more than three individual students.
    - (iv) rate for use of school vehicle for a driver's license road test, if an extra charge is made;
  - (3) a statement which reads substantially as follows: "This agreement constitutes the entire contract between the school and the student, and any verbal assurances or promises not contained herein shall bind neither the school nor the student."
  - (4) a statement which reads as follows: "This school is licensed by the State of North Carolina, Division of Motor Vehicles."
  - (5) a statement which reads as follows: "Under this agreement an instructor may not provide behind-the-wheel training to more than three individual students."
- (b) If either the school or the instructor fails to comply with the provisions of any contract or agreement between the school and the student, the school shall refund, on a pro rata basis, all monies collected from the student as consideration for the performance of the contract or the agreement.

*History Note:* Authority G.S. 20-322 through 20-324;  
 Eff. July 2, 1979;  
 Amended Eff. August 1, 2000; July 1, 1994; December 1, 1993; May 1, 1987; June 1, 1982;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03I .0602 PROHIBITED CONTRACT PROVISIONS**

Commercial driver training school contracts shall not contain the following:

- (1) the statement "no refund" or its equivalent. The contract may, however, contain a statement that "The school will not refund any tuition monies or any part thereof when actual services have been rendered";
- (2) any statement to the effect that a driver's license is guaranteed or otherwise promised as a result of the driver's license training course.

*History Note:* Authority G.S. 20-322 through 20-324;  
 Eff. July 2, 1979;  
 Amended Eff. July 1, 1994;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03I .0603 FILING OF CONTRACT WITH THE DIVISION**

The commercial driver training school shall file with the Division sample copies of all written contracts and agreements at the time of the original application and also at any time thereafter when alterations to contracts are proposed.

*History Note:* Authority G.S. 20-322 through 20-324;  
 Eff. July 2, 1979;  
 Amended Eff. June 1, 1982;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

### **SECTION .0700 – BONDING AND ADVERTISING**

#### **19A NCAC 03I .0701 BONDS**

Prior to license approval, a school shall file with the Division a continuous "cash" or "surety" bond written by a company licensed to do business in North Carolina in the amount of twenty thousand dollars (\$20,000) to indemnify any student against loss or damage arising out of the school's breach of contract between the school and the student (Form SBTS-606).

*History Note:* Authority G.S. 20-324; 20-322; 20-323; 20-324;  
Eff. July 2, 1979;  
Amended Eff. August 1, 2000; July 1, 1994; May 1, 1987; July 1, 1983;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03I .0702 CERTIFICATE OF DEPOSIT**

A certificate of deposit may be executed and filed in lieu of a bond (Form SBTS-607). The certificate shall be in the principal sum of the bond it stands in lieu of as provided in Rule .0701 of this Section.

*History Note:* Authority G.S. 20-322 through 20-324;  
Eff. July 2, 1979;  
Amended Eff. December 1, 1993; May 1, 1987; June 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03I .0703 ADVERTISING**

A commercial driver training school may advertise by whatever method it sees fit with the following exceptions:

- (1) The address of a telephone-answering service, when it is not the same as the principal place of business of the school, shall not be shown in any medium of advertising or telephone directory. Nor shall any telephone directory listing or yellow page advertisement show a telephone number for a school unless it also shows a valid address, including the city, for the principal place of business of the school.
- (2) No advertisement shall indicate in any way that a school can or will issue or guarantee the issuance of a driver's license or imply that preferential or advantageous treatment from the Division can be obtained.
- (3) A school may state in an advertisement that it has been approved and licensed by the Division.

*History Note:* Authority G.S. 20-322 through 20-324;  
Eff. July 2, 1979;  
Amended Eff. July 1, 1994; June 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

### **SECTION .0800 - LICENSE REVOCATION OR SUSPENSION**

#### **19A NCAC 03I .0801 GROUNDS FOR REVOCATION OR SUSPENSION**

The license of any commercial driver training school may be suspended or revoked by the Division if the licensee violates any provision of Article 14, Chapter 20 of the North Carolina General Statutes, or if the licensee violates any rule adopted pursuant to that article. In addition, a license may be suspended or revoked for any one of the following reasons:

- (1) conviction of the owner, manager, or any agent or employee of the school of a felony or any misdemeanor involving moral turpitude;
- (2) knowingly submitting to the Division false or misleading information relating to eligibility for a license;
- (3) evidence of substance abuse by the owner, manager, any agent or employee of the school;
- (4) failure or refusal to permit an authorized representative of the Division to inspect the school, equipment, records, or motor vehicles used to teach students; or failure or refusal to furnish full information pertaining to any and all requirements set forth in these regulations or in the application for the license;
- (5) failure to maintain adequate standards of instruction, such as but not limited to, either through lack of qualified instructors or through lack of equipment sufficient to adequately perform the course of instruction;
- (6) employment of any instructor who is not licensed by the Division;
- (7) failure of new owner to apply for and be licensed by the Division as a school under new ownership and also failure to notify the Division within the specified time of any change in management of the school;



- (8) aiding or assisting any person to obtain a driver's license by fraud (revocation in this instance shall be permanent);
- (9) unauthorized possession of application forms or examinations used by the Division to determine the qualification of an applicant for a driver's license.

*History Note:* Authority G.S. 20-231; 20-325;  
Eff. July 2, 1979;  
Amended Eff. December 1, 1993; April 1, 1989; May 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03I .0802 INSTRUCTOR LICENSE SUSPENSION OR REVOCATION**

In addition to the grounds for revocation listed in Rule .0801 of this Section, the license of any commercial driver training instructor shall be revoked if his driver's license is suspended or revoked or if he accumulates seven or more points, as a result of being convicted of moving violations, in a 12 month period. Reinstatement of the commercial driver training instructor's license shall follow the same procedure as an application for a new license.

*History Note:* Authority G.S. 20-231; 20-325;  
Eff. July 2, 1979;  
Amended Eff. December 1, 1993; June 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03I .0803 REVOCATION OR SUSPENSION PROCEDURE**

If any school or instructor is alleged to be in violation of any provision of Article 14, G.S. Chapter 20 or of any provision of these Regulations, the school or instructor shall be notified by certified or registered mail of the suspension or revocation. The notification shall set forth the details of the alleged violation which forms the basis for the action. The school (through its owner, partner, or corporate officer) or any instructor, may request in writing a hearing. This request must be made within 30 days of receipt of the certified or registered letter. The hearing shall be heard by an officer designated by the Commissioner and the school or instructor may be represented by counsel. Upon completion of the hearing, the Division shall notify the school or instructor within 30 days of the decision of the hearing officer. This decision may be appealed as provided by G.S. 150B.

*History Note:* Authority G.S. 20-231; 20-325;  
Eff. July 2, 1979;  
Amended Eff. December 1, 1993; February 1, 1988; May 1, 1987; June 1, 1982;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03I .0804 PROBATIONARY PERIOD**

If any school or instructor is found to be in violation of any provision of G.S. 20 Article 14, or any provision of these Rules, the school or instructor may be placed on probation. The length of the probationary period may not exceed one year. The probationary period shall be determined by the Commissioner or the Commissioner's authorized representative. The request by a school or an instructor for a hearing shall follow the same procedure as listed in Rule .0803 of this Section.

*Authority* G.S. 20-321; 20-322; 20-323; 20-325;  
Eff. August 1, 2000;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

### **SECTION .0900 - COMMERCIAL TRUCK DRIVER TRAINING SCHOOLS**

**19A NCAC 03I .0901 PURPOSE**

**19A NCAC 03I .0902 DEFINITIONS**

**19A NCAC 03I .0903 CONTRACTS**

<b>19A NCAC 03I .0904</b>	<b>CANCELLATION AND REFUND PROCEDURES</b>
<b>19A NCAC 03I .0905</b>	<b>COURSE OF INSTRUCTION</b>
<b>19A NCAC 03I .0906</b>	<b>STUDENT REQUIREMENTS</b>
<b>19A NCAC 03I .0907</b>	<b>REPORTS TO BE SUBMITTED</b>
<b>19A NCAC 03I .0908</b>	<b>ADVERTISING</b>
<b>19A NCAC 03I .0909</b>	<b>MISCELLANEOUS</b>

*History Note:* Authority G.S. 20-320 through 20-328;  
Eff. July 1, 1983;  
Amended Eff. November 1, 1984; February 1, 1984;  
Repealed Eff. May 1, 1987.

## **SUBCHAPTER 03J - RULES AND REGULATIONS GOVERNING THE LICENSING OF COMMERCIAL TRUCK DRIVER TRAINING SCHOOLS AND INSTRUCTORS**

### **SECTION .0100 - COMMERCIAL DRIVER TRAINING SCHOOLS**

#### **19A NCAC 03J .0101 PURPOSE OF REGULATIONS**

Article 14, Chapter 20 of the General Statutes of North Carolina provides for the licensing and regulation of commercial driver training schools and instructors. Pursuant to the authority contained in this law, the Commissioner of Motor Vehicles has hereby adopted the rules in this Subchapter concerning the administration and enforcement of that Article. These Rules establish minimum standards for the operation of commercial driver training schools and will be used by the Division of Motor Vehicles in administering Article 14.

*History Note:* Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-324; 20-325; 20-326; 20-327; 20-328;  
Eff. May 1, 1987;  
Amended Eff. August 1, 2002; January 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03J .0102 DEFINITIONS**

For the purpose of this Subchapter, the following definitions shall apply:

- (1) "Actively Enrolled" means any student who is neither a graduate nor has failed to complete his or her course.
- (2) "Base Period" means a six-month period from January 1 through June 30 or from July 1 through December 31.
- (3) "Constructive Notice" means a student's notice of intention to withdraw from a course by failing to attend residence instructional facilities for a period of three consecutive days on which that class meets.
- (4) "Cooling off Period" means five days from the time the student is given or mailed a signed copy of his completed contract.
- (5) "Enrollment contract" means any agreement or instrument, however named, which creates or evidences an obligation binding a student to purchase a course from a school.
- (6) "Fail to Complete" means any student who does not fully complete the required 160 hours of the lessons or classes required by the Division as constituting the full course of study and who cancels by any of the methods prescribed.
- (7) "Field Training" means off-road training in and around the truck. Refer to Rule .0306(2)(b), (c), (e), and (i) of Section .0300.
- (8) "Foreign Commercial Driver Training School" means an enterprise located outside North Carolina which solicits, advertises, or offers commercial motor vehicle driver training to residents of North Carolina.
- (9) "General Job or Earnings Claim" means any express claim or representation concerning the general conditions or employment demand in any employment market now or at any time in the future or the amount of salary or earnings generally available to persons employed in any occupation.

- (10) "Graduate" means any student who fully completes the required 160 hours of the lessons or classes required by the Division and discharges any other requirements or obligations established by the school as prerequisites for completing the full course of study.
- (11) "Job or Earnings Claim" means any general or specific job or earnings claim.
- (12) "Media Advertisement" means any advertisement disseminated to the public by means of print or broadcast media, including newspapers, magazines, radio, television, posters, or any other means. It does not include promotional materials that are available from a school or distributed by its sales representatives.
- (13) "Most Recent Base Period" means the latest base period.
- (14) "New Course" means any course which has a substantially different course content and occupational objective from any course previously offered by the school and which has been offered for a period of time less than six months.
- (15) "Prospective Student" means any person who seeks to enroll in a course.
- (16) "Recruiter/Salesman" means any person who is employed by a commercial truck driver training school, directly or indirectly, to recruit students for a school. This definition includes persons who are employed by another person who is a direct employee or broker for a school.
- (17) "Refresher Course" means a minimum 80-hour course which offers classroom and behind the wheel instruction for drivers who have previously held a CDL, Class A, or Chauffeurs License.
- (18) "Seminar" means a course of 40 hours or less offering educational materials and classroom instruction only in order to prepare a student for an examination given by the State for a driver's license.
- (19) "Specific Job or Earnings Claim" means any express claim or representation concerning the employment opportunities available to students or the demand for students who purchase the school's course, or the amount of salary or earnings available to students who purchase the school's course.
- (20) "Student" means any person who has signed an enrollment contract with a school and not canceled that contract before the cooling-off-period, specified in this Rule, has ended.
- (21) "Total Contract Price" means the total price for the enrollment contract, including charges for registration, ancillary services, and any finance charges.

*History Note:* Authority G.S. 20-320; 20-321;  
 Eff. May 1, 1987;  
 Amended Eff. August 1, 2002; August 1, 1998; January 1, 1994; February 1, 1991;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

## **SECTION .0200 - REQUIREMENTS AND APPLICATIONS FOR COMMERCIAL TRUCK DRIVER TRAINING SCHOOLS**

### **19A NCAC 03J .0201 REQUIREMENTS**

(a) The Division shall not issue a commercial truck driver training school license to any individual, partnership, group, association, or corporation unless:

- (1) The individual, partnership, group, association, or corporation has at least one motor vehicle registered or leased in the name of the school, which vehicle has been inspected by a representative of the Division and vehicle insurance certified as required by this Subchapter for use by the school for driver training purposes and driver instruction.
- (2) The individual, partnership, group, association, or corporation has at least one person licensed by the Division as a commercial truck driver training instructor for that school.
- (3) Each manager or owner-operator of a commercial truck driver training school or branch shall:
  - (A) be subject to an evaluation of any existing criminal record in accordance with G.S. 93B-8.1(b1);
  - (B) be at least 18 years of age; and
  - (C) not have had a revocation or suspension of his or her classified license in the two years preceding the date of application.
- (4) In the case of a foreign commercial truck driver training school, recruiting in North Carolina, the school submits the following items to the Division:
  - (A) a copy of the school's license;
  - (B) a course description, including topics taught and the length of the course;
  - (C) a list of equipment available for training;

- (D) a copy of the contract complete with the fee charged; and
- (E) the names of the persons who represent the school in North Carolina; provided, Subparagraphs (a)(1) and (a)(4)(C) of this Rule shall not apply to schools offering seminar training only.

(b) All commercial truck driver training schools licensed and recruiting in North Carolina shall submit to the Division a surety bond in the amount of thirty thousand dollars (\$30,000) for schools offering courses of instruction of 160 hours or more and ten thousand dollars (\$10,000) for schools offering seminar training only.

*History Note:* Authority G.S. 20-37.13(b); 20-321; 20-322; 20-323; 93B-8.1(b1);  
Eff. May 1, 1987;  
Amended Eff. August 1, 2002; January 1, 1994; February 1, 1991;  
Readopted Eff. June 1, 2021.

#### **19A NCAC 03J .0202 ORIGINAL APPLICATION**

Each original application for a commercial driver training school license shall consist of the following:

- (1) Application for license;
- (2) Personal history statement of owner-operator or manager to include full name, place of birth, date of birth, marital status, permanent address, social security number, employment history, and financial statement;
- (3) Proposed plan of operation;
- (4) Proof of liability insurance;
- (5) Sample copies of contracts;
- (6) A check or money order in the amount of eighty dollars (\$80.00). This fee is due for both original and renewal applications for license;
- (7) Certificate of assumed name; and
- (8) Surety bond.

Items (1), (2) and (3) of this Rule shall be provided upon forms issued by the Division.

*History Note:* Authority G.S. 20-320; 20-321; 20-322; 20-323;  
Eff. May 1, 1987;  
Amended Eff. August 1, 2002; January 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03J .0203 RENEWAL APPLICATIONS**

Renewal applications shall be made within 60 days prior to the expiration of license. All licenses expire two years after the date the license is issued and no school is permitted to operate with an expired license. However, applications for renewal may be accepted for up to 30 days from the date of expiration. Any license expired for more than 30 days shall be deemed permanently lapsed and renewal of such license must be by the same process as required for an entirely new school, with all forms and certifications being required.

*History Note:* Authority G.S. 20-320; 20-321; 20-324; 20-325; 20-327;  
Eff. May 1, 1987;  
Amended Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03J .0204 DUPLICATE COPIES**

All applications, either original or renewal, for a commercial driver training school or branch shall be completed in duplicate. The original copy of each form shall be submitted to the Enforcement Commercial Driver License (CDL) Compliance Section of the Division of Motor Vehicles, 1417 North Church Street, Rocky Mount, North Carolina 27804-3117. A copy of each form shall be filed at the place of business.

*History Note:* Authority G.S. 20-321; 20-324;  
Eff. May 1, 1987;  
Amended Eff. August 1, 2002; February 1, 1991;  
Readopted Eff. June 1, 2021.

#### **19A NCAC 03J .0205 CHANGES IN APPLICATION INFORMATION**

The Division must be notified in writing within 10 days of any changes in the officers, directors, manager, or instructors of any school or branch. The Division must also be informed within 10 days of the addition or deletion of any motor vehicles and a supplemental schedule of motor vehicles must be filed. (Supplemental motor vehicle schedules shall be accompanied by a properly executed insurance certificate.) If the school has a change in ownership, the new owner must file an original application with the Division as described in Rule .0202 of this Section and be approved by the Division before beginning operation of the school under the new ownership. Failure to inform the Division of the required changes shall be grounds for suspension or revocation of the license.

*History Note:* Authority G.S. 20-320 through 20-328;  
Eff. May 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03J .0206 BRANCH OFFICES**

Any school desiring to open a branch shall make application for such branch on forms furnished by the Division in the same manner and to the same extent as for an original license. A commercial driver training school may operate a branch office anywhere in the state provided:

- (1) The branch meets all the requirements of the principal place of business.
- (2) The branch is identified as a "branch office" by a permanent sign which indicates the location of the principal place of business and which is visible to the general public.

*History Note:* Authority G.S. 20-321; 20-324; 20-325;  
Eff. May 1, 1987;  
Amended Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03J .0207 SURRENDER OF LICENSES**

Any licensed commercial driver training school or branch which ceases to carry on the business of giving instruction in the driving of commercial motor vehicles or which has a change of ownership shall, within five days, surrender its commercial driver training school license and all instructor licenses issued to driver training instructors employed by the school.

*History Note:* Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-324; 20-325; 20-327;  
Eff. May 1, 1987;  
Amended Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03J .0208 LICENSE REQUIRED**

*History Note:* Authority G.S. 20-322;  
Eff. May 1, 1987;  
Repealed Eff. January 1, 1994.

### **SECTION .0300 - SCHOOL LOCATION: PHYSICAL FACILITIES: AND COURSES OF INSTRUCTION**

#### **19A NCAC 03J .0301 GENERAL PROVISIONS**

Every school shall maintain a principal place of business open to the public in a permanent-type building. Schools or branches may not be located within or adjacent to a building in which applications for driver licenses are received by the Division and no business may be solicited on property occupied by or adjacent to a building in which applications for driver's licenses are received by the Division.

*History Note:* Authority G.S. 20-320 through 20-328;

*Eff. May 1, 1987;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03J .0302 OFFICE**

The office shall be the principal place of business, in the same location as but physically separated from the classroom facility, and must be sufficient for conducting all business related to the operation of the school including, but not limited to:

- (1) Facilities for conducting personal interviews.
- (2) Storage of all records required for the operation of the school.
- (3) Secretarial or telephone answering service available for a minimum of six hours between 9:00 a.m. and 5:00 p.m. on normal business days.

*History Note: Authority G.S. 20-320 through 20-328;*

*Eff. May 1, 1987;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03J .0303 CLASSROOM FACILITY**

The classroom facility shall meet the following minimum requirements:

- (1) An overall size of 120 square feet, including at least 70 square feet for the instructor and his or her equipment and 12 square feet for each student.
- (2) Lighting, heating, and ventilation systems that are in compliance with all State and local laws and ordinances including zoning, public health, safety, and sanitation.
- (3) Seats and writing surfaces for all students; blackboards or whiteboards visible from all seats; charts, diagrams, mock-ups, and pictures relating to the operation of motor vehicles, traffic laws, physical forces, and correct driving procedures; a copy of the Driver's Handbook published by the Division for each student; and other textbooks deemed necessary by the instructor.
- (4) Restroom facilities shall be provided.
- (5) Covered shelter shall be provided for students when on the field range to protect them from the weather when not driving.
- (6) Seminar only courses shall provide seats and writing surfaces for all students and printed instructional materials deemed necessary by the instructor. Seminars shall be conducted at any location meeting the requirements in this Rule provided prior notice is given to and approval is given by the Commercial Driver License (CDL) Compliance Section.

*History Note: Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-328;*

*Eff. May 1, 1987;*

*Amended Eff. January 1, 1994; February 1, 1991;*

*Readopted Eff. June 1, 2021.*

#### **19A NCAC 03J .0304 DISPLAY OF LICENSES**

Every school and branch must display in a prominent place in its office licenses issued to it by the Division for the school and its instructors.

*History Note: Authority G.S. 20-320 through 20-328;*

*Eff. May 1, 1987;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03J .0305 INSPECTIONS**

The Division shall make periodic inspections, at least annually, of schools and branches to determine compliance with statutes and rules. The inspection shall be made during business hours by authorized representatives of the Division. Inspections shall include examination of all school records, contracts, classroom facilities, training devices, instructional materials and instructional methods, vehicles, and any other item required by law or regulation. Each owner, partner, associate, corporate officer, or employee of any commercial driver training school shall cooperate with the Division's representative and, upon

request, shall exhibit all records, instructional aids, equipment, and any other items which are required for the inspection. Refusal to permit inspections shall be grounds for revocation of the license. Records shall be retained by the school for a period of three years.

*History Note: Authority G.S. 20-321; 20-322; 20-323; 20-325; 20-327;  
Eff. May 1, 1987;  
Amended Eff. August 1, 2002; January 1, 1994;  
Readopted Eff. June 1, 2021.*

#### **19A NCAC 03J .0306 COURSE OF INSTRUCTION**

(a) The commercial truck driving course to be taken by licensed persons who are 18 years old or older shall meet the following requirements:

- (1) Minimum hours of instruction:
  - (A) classroom instruction, including testing 50 hours
  - (B) field instruction 50 hours
  - (C) highway behind-the-wheel training 20 hours
  - (D) observation (highway behind-the-wheel) 40 hoursTotal - 160 hours

The hours of instruction may be expressed in credit hours provided the school is accredited by an accrediting agency recognized by the United States Department of Education and the conversion ratio of that accrediting agency is used.

- (2) Content of classroom and behind-the-wheel instruction:
  - (A) laws relating to interstate and intrastate operations;
  - (B) pre-trip inspection;
  - (C) coupling and uncoupling of combination units, if the equipment to be driven includes such units;
  - (D) placing the vehicle in operation;
  - (E) use of the vehicle's controls and emergency equipment;
  - (F) operation in inner-city and interstate highway traffic and passing;
  - (G) turning the vehicle;
  - (H) braking and slowing the vehicle by means other than applying the brakes;
  - (I) backing and parking the vehicle;
  - (J) experience operating property hauling vehicles with a minimum gross vehicle weight of 49,000 pounds or experience operating passenger motor coach vehicles having a minimum capacity of 46 persons; and
  - (K) completing driver's daily log books.
- (3) Other requirements include:
  - (A) the 160 hours of instructions required by this Rule shall be completed in no less than four calendar weeks;
  - (B) three hours of the 20 hours of behind-the-wheel highway training shall be completed by each student between dusk and dawn;
  - (C) one vehicle shall be provided for each three students during highway training. Four students per vehicle are permitted if the vehicle has been inspected and approved by the Division. The Division shall approve the vehicle if it determines the vehicle will seat four people. No more than four students per vehicle and no more than four vehicles per instructor shall be allowed for field training; and
  - (D) a Driver's Daily Log shall be kept for each student to reflect the 160 hours of instruction.

(b) Credit for prior instruction or training given by another agency or school may be granted. Such credit may be granted by the school to which the candidate is applying if the prior instruction or training is equivalent to the corresponding part or parts of the course required by this Rule for commercial truck driving course and if such credit is confirmed and authorized as equivalent by the Enforcement Section of the Division.

(c) In addition to the course requirements of Paragraph (a) of this Rule, schools may offer a "Refresher Course" which shall meet the following requirements:

- (1) Minimum hours of instruction shall total 80 hours as follows:
  - (A) Classroom instruction, labs, and testing 25 hours
  - (B) Field instruction 25 hours
  - (C) Highway behind the wheel training 10 hours

- |     |  |                  |
|-----|--|------------------|
| (D) | Observation (highway behind-the-wheel) | 20 hours         |
|     |  | Total - 80 hours |

The hours of instruction may be expressed in credit hours provided the school is accredited by an accrediting agency recognized by the United States Department of Education and the conversion ratio of that accrediting agency is used.

- (2) Content of Classroom and behind the wheel instruction shall be as follows:
  - (A) laws relating to interstate and intrastate operations;
  - (B) pre-trip inspection;
  - (C) coupling and uncoupling of combination units, if the equipment to be driven includes such units;
  - (D) placing the vehicle in operation;
  - (E) use of the vehicle's controls and emergency equipment;
  - (F) operation n inner-city and interstate highway traffic and passing;
  - (G) turning the vehicle;
  - (H) braking and slowing the vehicle by means other than applying the brakes;
  - (I) backing and parking the vehicle;
  - (J) experience operating property hauling vehicles with a minimum gross weight of 49,000 pounds or experience operating passenger motor coach vehicles having a minimum capacity of 46 passengers; and
  - (K) completing driver's daily log books.
- (3) Other requirements are as follows:
  - (A) the 80 hours of instruction required by this Rule shall be completed in no less than two calendar weeks;
  - (B) two hours of the 10 hours behind the wheel highway training shall be completed by each student between dusk and dawn;
  - (C) one vehicle shall be provided for each three students during highway training. Four students per vehicle are permitted if the vehicle has been inspected and approved for such use by the Division. The Division shall approve the vehicle if it determines the vehicle will seat four people. No more than four students shall be allowed per vehicle for field training; and
  - (D) a drivers log shall be kept for each student to reflect the 80 hours of instruction.

*History Note:* Authority G.S. 20-321; 20-322; 20-323;  
 Eff. May 1, 1987;  
 Amended Eff. August 1, 2002; August 1, 1998; April 1, 1997; January 1, 1994; May 1, 1990;  
 Readopted Eff. June 1, 2021.

#### **19A NCAC 03J .0307 STUDENT REQUIREMENTS**

The owners or officers of the school shall inform students 18 years of age or older but less than 21 years of age of the age restrictions as set forth in 49 CFR Part 391.11 and limitations established by the United States Department of Transportation Federal Motor Carrier Safety Administration and G.S. 20-37.13.

*History Note:* Authority G.S. 20-37; 20-321; 20-323; 20-328;  
 Eff. May 1, 1987;  
 Amended Eff. April 1, 1997; January 1, 1994; May 1, 1990;  
 Readopted Eff. June 1, 2021.

#### **19A NCAC 03J .0308 REPORTS TO BE SUBMITTED**

- (a) Every commercial driver training school offering a full program shall submit to the Division the following reports:
  - (1) A schedule of classes for each licensing period.
  - (2) A class roster as of the first day of class, which roster shall include the name, address, telephone number, and driver's license number of each student.
  - (3) A copy of each student's contract(s).
  - (4) A list of salesmen/recruiters working for the school (directly or indirectly) at the beginning of the licensing period, with additions or deletions to be filed within 30 days of such change.
- (b) Every commercial driver training school offering seminars only shall submit and obtain approval of a course plan as required in Rules .0201 and .0306 of this Subchapter at least 30 days prior to the class. It shall also submit items in Subparagraphs (a)(1) and (a)(4) of this Rule.



(c) Every commercial driver training school offering a "refresher course" shall submit in addition to the requirements of Paragraph (a) of this Rule, a seven-year driving record attached to each student's contract.

*History Note:* Authority G.S. 20-321; 20-322; 20-323; 20-324; 20-325;  
Eff. May 1, 1987;  
Amended Eff. August 1, 2002; August 1, 1998; April 1, 1997; January 1, 1994; February 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

## **SECTION .0400 - MOTOR VEHICLES USED IN INSTRUCTION**

### **19A NCAC 03J .0401 VEHICLE EQUIPMENT**

(a) Behind-the-wheel instruction of students in commercial driver training schools shall be conducted in motor vehicles owned or leased by the school. All vehicles used for the purpose of demonstration and practice shall:

- (1) If used for field instruction be equipped with:
  - (A) seatbelts as required by Federal and State law;
  - (B) an outside rearview mirror mounted on the right side of the vehicle;
  - (C) a heater, defroster, turn signals and brake lights; and
  - (D) all other equipment required by G.S. 20 except that a working speedometer is not required.
- (2) Bear conspicuously displayed signs with the words "Student Driver" in letters not less than six inches in height on both the front and rear of the vehicle and also bear conspicuously displayed signs with the name and location of the school in letters not less than three inches in height on both sides of the power unit and on the back of the trailer.
- (3) Meet the safety requirements for commercial motor vehicles as found in CFR 49 Parts 390-397.

(b) No school equipment shall be used to transport property or persons for compensation, other than a properly enrolled student, except when school equipment is used by certified third party examiners in accordance with the requirements of 19A NCAC 03B .0700 of these Rules, while conducting third party testing, and the school may charge a reasonable fee for the use of the school's equipment.

*History Note:* Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-324; 20-325; 20-326; 20-327; 20-328;  
Eff. May 1, 1987;  
Amended Eff. August 1, 2002; August 1, 1994; January 1, 1994; May 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

### **19A NCAC 03J .0402 REGISTRATION: INSURANCE: INSPECTION**

(a) Each vehicle used by the school on the highway shall be titled and registered as required by G.S. 20-52 and bear a current inspection certificate. Each yard vehicle used by the school shall be titled as required by G.S. 20-52.

(b) Each vehicle used by the school shall be insured by a company licensed to do business in North Carolina against liability in the amount of at least twenty five thousand dollars (\$25,000) because of injury to or destruction of property of others in any one accident, fifty thousand dollars (\$50,000) because of bodily injury to or death of one person in any one accident, and one hundred thousand dollars (\$100,000) because of bodily injury to or death of two or more persons in any one accident. This insurance coverage shall be secured on an annual basis. In the event coverage for any vehicle used for driver instruction or training shall not be renewed, the school shall give written notice to the Division at least 10 days prior to the expiration date of the coverage. A certificate of insurance coverage shall be filed by the insurance underwriter with the Division. Cancellation shall be accomplished upon 15 days prior written notice to the Division by the insurance underwriter.

(c) Each vehicle used by a school shall be listed and inspected in the manner prescribed in 49 CFR 396. In addition, each vehicle shall be inspected to meet the requirements of Rule .0401 of this Section and approved by a representative of the Division before it is used. Each vehicle shall be inspected and approved by a representative of the Division annually and at any other time.

*History Note:* Authority G.S. 20-37.22; 20-51(15)(a); 20-321;  
Eff. May 1, 1987;  
Amended Eff. August 1, 2002;  
Readopted Eff. June 1, 2021.

### **19A NCAC 03J .0403 SPECIAL REQUIREMENT**

At least one of the vehicles used in a commercial truck driver training school shall be a tractor-trailer combination unit and other vehicles may be of the type necessary to carry out the instructional program of the school. All vehicles used in the instructional program shall meet the equipment requirements of Chapter 20 of the North Carolina General Statutes.

*History Note: Authority G.S. 20-320 through 20-328;  
Eff. May 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

## **SECTION .0500 - REQUIREMENTS AND APPLICATIONS FOR DRIVER TRAINING INSTRUCTOR**

### **19A NCAC 03J .0501 REQUIREMENTS**

(a) A Class I instructor may conduct driver training in the classroom, on the field and on the road. Each Class I instructor shall:

- (1) Be at least 21 years of age, have at least two years experience operating a Class A vehicle and hold a valid Class A license; provided, on and after April 1, 1992 each instructor must hold a valid Class A commercial license from his state of residence.
- (2) Not have been convicted of a felony, or convicted of a misdemeanor involving moral turpitude, in the ten years immediately preceding the date of application.
- (3) Not have had a revocation or suspension of his driver's license in the two years immediately preceding the date of application.
- (4) Have graduated from high school and submit high school diploma or submit a high school equivalency certificate.
- (5) Not have had convictions for moving violations totaling seven or more cumulative points within three years of the date of application.
- (6) Have at least two years of continuous commercial motor vehicle driving experience within the previous five years from the date of application.

(b) A Class II instructor may conduct driver training in the classroom and on the field only. Each Class II instructor shall:

- (1) Not have been convicted of a felony, or convicted of a misdemeanor involving moral turpitude, in the ten years immediately preceding the date of application.
- (2) Not have had a revocation or suspension of his driver's license in the two years immediately preceding the date of application.
- (3) Have graduated from high school and submit a high school diploma or a high school equivalency certificate.
- (4) Have at least two years of continuous commercial motor vehicle driving experience within the previous five years from the date of application.

(c) A Class I or II instructor-trainee may assist a licensed Class I or II instructor while his instructor's license application is pending at the Division. The Division must be notified in writing within five days of the date the trainee is hired. An instructor-trainee of either class:

- (1) may work in that capacity for only 30 days from the date he is hired;
- (2) may instruct in the classroom and on the field only with a licensed instructor present at all times;
- (3) may not instruct or accompany students on the road until licensed; and
- (4) must wear an identification badge which clearly identifies the individual as an instructor-trainee.

*History Note: Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-324; 20-325; 20-326; 20-327; 20-328;  
Eff. May 1, 1987;  
Amended Eff. August 1, 2002; August 1, 1994; May 1, 1990;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

### **19A NCAC 03J .0502 ORIGINAL APPLICATION**

Each original application for a commercial driver training instructor license shall consist of:

- (1) A combination application and personal history form which must be completed and signed by the applicant.

- (2) A physical examination report completed and signed by a licensed physician.
- (3) Copy of high school diploma or equivalency certificate.
- (4) A driver license record check for the previous three years.
- (5) Consent form for background information.
- (6) A check or money order in the amount of sixteen dollars (\$16.00).
- (7) Five-year criminal history check.

*History Note:* Authority G.S. 20-320; 20-321; 20-322; 20-323;  
 Eff. May 1, 1987;  
 Amended Eff. August 1, 2002;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03J .0503 RENEWAL APPLICATION**

Renewal application shall be made by an instructor within 60 days prior to the expiration of license. All licenses expire two years after the date the license is issued and no instructor may operate with an expired license. However, applications for renewal may be accepted for up to 30 days from the date of expiration. Any license expired for more than 30 days shall be deemed permanently lapsed and renewal of such license must be by the same process as required for an entirely new license, with all forms and certifications being required.

*History Note:* Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-324; 20-325;  
 Eff. May 1, 1987;  
 Amended Eff. August 1, 2002;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03J .0504 DUPLICATE COPIES**

All applications, either original or renewal, for a commercial driver training instructor license shall be completed in duplicate. The original copy of each form shall be submitted to the Enforcement Section of the Division of Motor Vehicles. A copy of each form shall be filed at the place of business.

*History Note:* Authority G.S. 20-320; 20-321; 20-324;  
 Eff. May 1, 1987;  
 Amended Eff. August 1, 2002;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

#### **19A NCAC 03J .0505 CONFIDENTIALITY**

#### **19A NCAC 03J .0506 LICENSE FEES**

*History Note:* Authority G.S. 20-320 through 20-328;  
 Eff. May 1, 1987;  
 Repealed Eff. January 1, 1994.

#### **19A NCAC 03J .0507 SURRENDER OF LICENSES**

Any licensed commercial driver training instructor who ceases to give instruction in the driving of motor vehicles for the school for which he is licensed shall surrender his instructor's license within five days. The owner, partner, or chief corporate officer of the school shall be responsible for the return of the instructor's license to the Division on termination of employment of any instructor.

*History Note:* Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-324; 20-325; 20-327;  
 Eff. May 1, 1987;  
 Amended Eff. August 1, 2002;  
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.



*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

#### **19A NCAC 03J .0604 CONTRACT PROVISIONS**

(a) The school must give the prospective student a completed copy of the enrollment contract at the time the prospective student signs the contract or upon the school's receipt of an enrollment contract completed entirely by mail. The enrollment contract must be written in the same language as the oral sales presentation, if any, made by the school and must contain the name and address of the school.

(b) The school must place on the enrollment contract the explanation of the prospective student's cooling-off rights required by Rule .0605 of this Section. If the school does not place the notice on the front page of the enrollment contract, the school must place on the front page the following notice: "An explanation of your cancellation and refund rights is on page (page number) of this contract." This notice must be printed in boldface type.

(c) After the school has accepted the enrollment contract of the prospective student, the school must furnish the prospective student with the disclosure of the school's graduation rate and placement rate.

(d) If a school makes a job or earnings claim for a course other than a new course, the school shall disclose the following placement information on the disclosure form entitled, "How Our Students Are Doing." The School shall disclose these figures for individuals who became students during the school's most recent base period:

- (1) the number of students;
- (2) the number and percentage of those students who graduated;
- (3) the number and percentage of those students who remained actively enrolled at the end of that time;
- (4) the number and percentage of graduates who, within four months of leaving the course, obtained employment as commercial motor vehicle drivers; and
- (5) the number and percentage of these graduates who refused to provide salary information.

A school may, at its option, include the following statement on the disclosure form: "In evaluating our record, remember not all of our students took this course to get a job as a commercial motor vehicle driver. Also, we were unable to reach some of our graduates to see if they got jobs. So, our placement percentage might be understated."

(e) The disclosure specified by Paragraph (d) of this Rule must be based on the school's actual knowledge of its students' experiences. Actual knowledge shall be verified, at a minimum, by a list that includes the following information for each student who is counted as obtaining employment in a job for which the course prepared him or her:

- (1) the student's name and address (or telephone number);
- (2) the employer's name;
- (3) the name or title of the job obtained;
- (4) information that indicates that the job was obtained within four months of leaving the course; and
- (5) the student's annual gross salary expressed in increments of two thousand dollars (\$2,000) or an indication of the student's refusal to provide such salary information.

(f) No school shall make any specific job or earnings claim for a new course.

(g) The information required or permitted to be disclosed under Paragraph (d) of this Rule shall be contained in a disclosure form entitled, "How Our Students are doing." The disclosure form shall contain no other information or representations. This form must be mailed to all prospective students who have signed enrollment contracts if a school makes a general job or earnings claim or a specific job or earnings claim.

(h) If a school makes a general job or earnings claim or a specific job or earnings claim that is not substantiated by the disclosure form required by Paragraph (d) of this Rule, the school must not know or have reason to know of facts which would make the claim inapplicable to the school, its enrollees, or a particular geographical area served by the school. A reasonable basis shall consist of a statistically valid and reliable survey which substantiates the claim.

(i) Nothing in Paragraph (d) in this Rule shall be construed as prohibiting schools from making jobs or earnings claims which are substantiated by projections from the "Occupational Outlook Handbook" published by the Bureau of Labor Statistics or by similar projections published by other Federal or State agencies. However, when such claims are contained in non-media advertising, the schools must clearly and conspicuously disclose in immediate conjunction with the claim, any limitations, restrictions, or caveats accompanying or made applicable to those projections in their original source.

(j) A school shall maintain records adequate to disclose the facts upon which each claim covered by this Rule is based. Such records shall be maintained for three years from the date the claim is made and, after compliance with any applicable Federal law concerning the privacy or confidentiality of student records, shall be made available for inspection and copying by DMV officials upon reasonable notice and during regular business hours.

(k) Home study courses shall be accredited by an accrediting agency approved by the United States Department of Education.

*History Note:* Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-324; 20-325; 20-326; 20-327; 20-328;  
Eff. May 1, 1987;  
Amended Eff. August 1, 2002; January 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

**19A NCAC 03J .0605 CANCELLATION AND REFUND PROCEDURES AND COOLING-OFF RIGHTS**

- (a) After the cooling-off period has ended, a student may cancel his or her enrollment in the course by notifying the school. Cancellation by the student is effective on the date the student mails or delivers written notification to the school or on the date that the student gives the school constructive notice of his or her intention to withdraw from the course.
- (b) If a prospective student cancels the enrollment contract during the period described in the notices required, the school must refund all payments made by the prospective student and cancel and return any evidence of indebtedness within 21 days after receiving any notice of cancellation. If a school fails to comply with the proper enrollment and cooling-off procedure, it shall not retain any money or evidence of indebtedness from a prospective student.
- (c) If a student gives the school written notice of his or her intention to remain enrolled in a course, the time period for measuring constructive notice will begin anew from the date of the written notice. Any prior cancellation by virtue of the student's constructive notice will not be effective if the student provides this written notice of his or her intention to remain enrolled.
- (d) If a student cancels his or her enrollment contract after the cooling-off period, the school shall not receive, demand, or retain more than the one hundred and fifty dollar (\$150.00) registration fee and a pro rata portion of the total contract price. This total pro rata portion shall be calculated by dividing the total number of course hours by the total contract price to obtain an hourly rate. This hourly rate shall be multiplied by the actual number of hours the student attended the school. Refunds must be made within 21 days.
- (e) For courses consisting of a combination of home study lessons and resident training, not more than one hundred dollars (\$100.00) in addition to the registration fee referred to in Paragraph (d) of this Rule shall be retained by the school for those students who fail to enter resident training, unless the school submits affirmative evidence acceptable to the Commissioner of Motor Vehicles disclosing the home study lessons are of such quality and content as to reasonably assure that the students will achieve the stated objective without the resident training portion of the course.
- (f) The school must include in the enrollment contract the following notice: "CANCELING THIS CONTRACT." "A student may cancel this agreement at any time before the commencement of classes and prior to the end of the five-day cooling off period and receive a full refund of the tuition that has been paid by the student. The NOTICE OF CANCELLATION to be given by the student shall be in writing and may be delivered by Registered Mail or in person to an owner, partner, corporate officer, agent, or other representative of the school. The cooling-off period begins when the student is given or mailed a signed copy of the completed contract. Contracts canceled after the cooling-off period entitle the school to retain not more than one hundred fifty dollars (\$150.00) registration fee and a pro rata portion of the total contract price based on the number of hours the student attended school. Refunds must be made within 21 days following delivery of the NOTICE OF CANCELLATION." The title of the notice "CANCELING THIS CONTRACT" must be in all capitals with boldface type.
- (g) If either the school or the instructor fails to comply with the provisions of any contract or agreement between the school and the student, the school shall refund, on a pro rata basis, all monies collected from the student as consideration for the performance of the contract or the agreement.

*History Note:* Authority G.S. 20-320 through 20-328;  
Eff. May 1, 1987;  
Amended Eff. January 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

**19A NCAC 03J .0606 MISCELLANEOUS**

The school may not include in the enrollment contract or any other document a waiver of any of the rights or obligations created by this Section. No oral waiver of any of these rights or obligations shall be effective.

*History Note:* Authority G.S. 20-320 through 20-328;  
Eff. May 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

## SECTION .0700 - BONDING AND ADVERTISING

### 19A NCAC 03J .0701 BONDS

Prior to license approval, a school shall file with the Division a continuous "cash" or "surety" bond written by a company licensed to do business in North Carolina to indemnify any student against loss or damage arising out of the school's breach of contract between the school and the student. This bond shall be in an amount as set forth in Rule .0201(4)(f) of this Subchapter.

*History Note: Authority G.S. 20-320 through 20-328;  
Eff. May 1, 1987;  
Amended Eff. January 1, 1994; February 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

### 19A NCAC 03J .0702 CERTIFICATE OF DEPOSIT

With Division approval, a certificate of deposit may be executed and filed in lieu of a bond. The certificate shall be in the principal sum of the bond it stands in lieu of as provided in Rule .0701 of this Section.

*History Note: Authority G.S. 20-320 through 20-328;  
Eff. May 1, 1987;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

### 19A NCAC 03J .0703 ADVERTISING

A commercial driver training school may advertise by whatever method it sees fit with the following exceptions:

- (1) The address of a telephone-answering service, when it is not the same as the principal place of business of the school, shall not be shown in any medium of advertising or telephone directory. Nor shall any telephone directory listing or yellow page advertisement show a telephone number for a school unless it also shows a valid address for the principal place of business of the school.
- (2) No advertisement shall indicate in any way that a school can or will issue or guarantee the issuance of a driver's license or imply that preferential or advantageous treatment from the Division can be obtained.
- (3) A school may state in an advertisement that it has been approved and licensed by the Division.
- (4) Commercial driver training schools must use the full name, address, and telephone number of their school in all advertising. No advertising shall imply an offer of employment or guarantee employment upon completion.
- (5) If a school makes any job or earnings claims for any course in a media advertisement, the school must include the following disclaimer in this advertisement: "Graduation from this course does not insure that you will get a job. To find out how our graduates have done, send for our job placement record."
- (6) If a school makes any written job or earnings claims about any course, other than a media advertisement, the school must include in that document full disclosures of the school's graduation and placement rates required by Rule .0604 of this Subchapter.
- (7) If a school makes any general job or earnings claims for a new course, that school must make the following disclosure in lieu of those required in Items (5) and (6) of this Rule.
  - (a) In media advertisement: "Since this course is new, we are not able to tell you about the experience of our students in getting jobs."
  - (b) All other, non-media advertisements: "Since this course is new, we are not able to give you information on the graduation or placement rates of our students, or the amount of money you might earn after completing this course. As an alternative, we suggest you talk to a job counselor or State Employment Office about your chances of finding a job in the field we train you for. They will have current information on job opportunities in the area where you live. In addition, they can offer you information on starting salaries and requirements for prior work experience."
- (8) Commercial driver training schools shall not use advertisements or promotional material which is classified, designated, or captioned, "Men wanted to train for....", "Help Wanted", "Employment",

"Business Opportunities", or by words or terms of similar import, so as to represent directly or by implication that employment is being offered, nor shall the word "Free" be used in any advertisement.

*History Note:* Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-324; 20-325; 20-327;  
Eff. May 1, 1987;  
Amended Eff. August 1, 2002; January 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

## **SECTION .0800 - LICENSE REVOCATION OR SUSPENSION**

### **19A NCAC 03J .0801 GROUND FOR REVOCATION OR SUSPENSION**

The license of any commercial driver training school may be suspended or revoked by the Division if the licensee violates any provision of Article 14, Chapter 20 of the North Carolina General Statutes, or if the licensee violates any rule adopted pursuant to that Article. In addition, a license may be suspended or revoked for any one of the following reasons:

- (1) Conviction of the owner, manager, or any agent or employee of the school of a felony or conviction of any misdemeanor involving moral turpitude.
- (2) Knowingly submitting to the Division false or misleading information relating to eligibility for a license.
- (3) Evidence of substance abuse by the owner, manager, any agent, or employee of the school.
- (4) Failure or refusal to permit an authorized representative of the Division to inspect the school, equipment, records, or motor vehicles used to teach students or failure or refusal to furnish full information pertaining to any and all requirements set forth in the rules in this Subchapter or in the application for the license.
- (5) Failure to maintain licensed instructors or approved equipment sufficient to perform the course of instruction.
- (6) Employment of any instructor who is not licensed by the Division.
- (7) Failure of new owner to apply for and be licensed by the Division as a school under new ownership and also failure to notify the Division within the specified time of any change in management of the school.
- (8) Aiding or assisting any person to obtain a driver's license by fraud (revocation in this instance shall be permanent).
- (9) Unauthorized possession of application forms or examinations used by the Division to determine the qualification of an applicant for a driver's license.
- (10) Failure of the school to give the student a copy of his contract and also use by the school of a contract which has not been submitted to and approved by the Division of Motor Vehicles.

*History Note:* Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-324; 20-325; 20-326; 20-327;  
Eff. May 1, 1987;  
Amended Eff. August 1, 2002; January 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

### **19A NCAC 03J .0802 INSTRUCTOR LICENSE SUSPENSION OR REVOCATION**

In addition to the grounds for revocation listed in Rule .0801 of this Section, the license of any commercial driver training instructor shall be revoked if his driver's license is suspended or revoked or if he accumulates seven or more points, as a result of being convicted of moving violations, in a twelve-month period. Reinstatement of the commercial driver training instructor's license shall follow the same procedure as an application for a new license.

*History Note:* Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-324; 20-325; 20-326; 20-327;  
Eff. May 1, 1987;  
Amended Eff. August 1, 2002; January 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

### **19A NCAC 03J .0803 REVOCATION OR SUSPENSION PROCEDURE**

If any school or instructor or recruiter is alleged to be in violation of any provision of Article 14, Chapter 20 of the General Statutes or of any provision of the rules of this Subchapter, the school or instructor or recruiter shall be notified by certified or



registered mail of the suspension or revocation. This notice shall be issued by the office of the Commissioner of Motor Vehicles, and the notification shall set forth the details of the alleged violation which formed the basis for the action. The school (through its owner, partner, or corporate officer) or the instructor or the recruiter may request in writing a hearing. This request must be made within 30 days of receipt of the certified or registered letter. The hearing shall be heard by an officer designated by the commissioner and the school or instructor or recruiter may be represented by counsel. Upon completion of the hearing, the Division shall notify the school or instructor or recruiter within 30 days of the decision of the hearing officer. This decision may be appealed as provided by G.S. Chapter 150B.

*History Note:* Authority G.S. 20-320 through 20-328;  
Eff. May 1, 1987;  
Amended Eff. January 1, 1994; October 1, 1991;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

## **SECTION .0900 - REQUIREMENTS AND APPLICATIONS FOR DRIVER TRAINING SCHOOL RECRUITERS**

### **19A NCAC 03J .0901 REQUIREMENTS**

Recruiters working for commercial driver training schools shall comply with the requirements in 19A NCAC 03J .0601-.0606.

*History Note:* Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-324; 20-325; 20-326;  
Eff. October 1, 1991;  
Amended Eff. August 1, 2002;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.

### **19A NCAC 03J .0902 ORIGINAL APPLICATION**

*History Note:* Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-324; 20-325;  
Eff. October 1, 1991;  
Amended Eff. January 1, 1994;  
Repealed Eff. August 1, 2002.

### **19A NCAC 03J .0903 RENEWAL APPLICATION**

*History Note:* Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-324;  
Eff. October 1, 1991;  
Repealed Eff. August 1, 2002.

### **19A NCAC 03J .0904 DUPLICATE COPIES**

*History Note:* Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-324; 20-325;  
Eff. October 1, 1991;  
Repealed Eff. August 1, 2002.

### **19A NCAC 03J .0905 CONFIDENTIALITY**

*History Note:* Authority G.S. 20-321;  
Eff. October 1, 1991;  
Repealed Eff. January 1, 1994.

### **19A NCAC 03J .0906 SURRENDER OF LICENSES**

*History Note:* Authority G.S. 20-320; 20-321; 20-322; 20-323; 20-324; 20-325; 20-327;  
Eff. October 1, 1991;

*Repealed Eff. August 1, 2002.*

#### **19A NCAC 03J .0907 LICENSE REQUIRED**

No person shall act as an instructor without the proper license as set forth in this Subchapter. A recruiter must have a separate license for each school that he represents. All recruiters must verify by signature that they have read and that they understand the rules on advertising and solicitation and must verify their intent to follow rules as they are set forth.

*History Note: Authority G.S. 20-321;  
Eff. October 1, 1991;  
Amended Eff. January 1, 1994;  
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. September 22, 2018.*

### **SUBCHAPTER 03K – DIVISION HEARING FEES**

#### **19A NCAC 03K .0101 ASSESSMENT OF ADMINISTRATIVE HEARING FEES**

(a) The Division shall provide notice to the applicant of a right to an administrative hearing, the procedure for requesting a hearing, the applicable fee for a hearing, notice on how to proceed as an indigent, and the statutory deadline, if any, to timely request a hearing.

(b) The fee for each type of hearing provided by the Division shall be set forth in 19A NCAC 03K .0102.

(c) A hearing request shall be submitted in writing and shall include the applicable fee listed in the Division's notice to the applicant, as provided in Paragraph (a) of this Rule. A request for hearing shall neither be accepted by the Division nor be considered received within any required deadline noticed to the applicant under Paragraph (a) of this Rule if the hearing request is not completed or the hearing request does not include the applicable hearing fee, except as provided under Paragraph (j) of this Rule. A written hearing request sent via U.S. Mail shall be deemed timely only if this request is postmarked prior to the statutory deadline, if any as provided in Paragraph (a) of this Rule.

(d) The Division shall take no action on a request or hearing until the required fee is paid in full, except for the following hearings scheduled by the Division due to the nature of the alleged offense, charge, or violation:

- (1) a hearing conducted to review an applicant's compliance with the requirements and obligations of the Ignition Interlock Program if the applicant is licensed pursuant to a conditional restoration agreement with the Division;
- (2) a hearing conducted to determine the applicant's compliance with the requirements and obligations of the applicant's probation or conditional restoration agreement with the Division; or
- (3) a hearing related to motor vehicle dealer license or sales representative license conducted pursuant to G.S. 20-296 for hearings related to a previously-issued license.

If the Division takes no adverse action at a hearing listed in this Paragraph, the Division shall not charge a hearing fee to the applicant. If adverse action is taken by the Division following the hearing, the applicant shall pay the required hearing fee set forth in 19A NCAC 03K .0102. This hearing fee shall be paid no later than 30 calendar days after the date the hearing is held or the decision is issued by the Division, whichever is later. An applicant who fails to pay the hearing fee within the required 30 calendar day period shall be considered past due and subject to the provisions G.S. 147, Article 6B.

(e) Upon receipt of a written hearing request and the full payment for the required hearing fee, within any deadline, if applicable, noticed under Paragraph (a) of this Rule, the Division shall send the applicant written notice of the scheduled hearing, including the time, date, and location of the hearing and notice of the time period for an applicant to cancel a hearing request in order to receive a partial refund under Paragraph (g) of this Rule.

(f) Upon notification that a hearing fee payment has been returned to the Division due to insufficient funds from the applicant's financial institution, the Division shall notify the applicant of the insufficient funds and that failure to pay the hearing fee constitutes a waiver of the hearing. This notification shall include:

- (1) the amount of the hearing fee owed by the applicant to proceed with the requested hearing;
- (2) a date upon which the applicant shall submit the required hearing fee to the Division (noticed date), which shall not be less than 10 calendar days from the date of the notification;
- (3) the type of money payment accepted by the Division, including certified check, money order, or other secured methods of payment accepted by the Division;

- (4) notice that if the hearing fee is not received by the Division by the noticed date, the written request for hearing pursuant to Paragraph (c) of this Rule will be considered withdrawn; and
- (5) notice that any pending action by the Division upon which the applicant requested a hearing shall be placed into effect if such hearing fee is not paid by the noticed date.

An applicant's failure to pay the hearing fee by the date contained in the notification letter shall be considered a withdrawal of the request for a hearing. A hearing fee paid via U.S. Mail shall be deemed timely only if the payment is postmarked prior to the noticed date.

(g) A hearing fee shall be non-refundable unless the Division receives a written notice from the applicant seeking to cancel the hearing postmarked at least 10 business days prior to the scheduled hearing date, except as listed in Paragraph (h) of this Rule and as described in this Paragraph. If on the date the written hearing request is postmarked or received by the Division, whichever occurs first, the applicant is not eligible pursuant to G.S. 20 for the hearing requested, the applicant shall be entitled to a refund of the hearing only if a written request to cancel the hearing is postmarked at least three calendar days prior to the scheduled hearing date. If the applicant is eligible for a hearing when the hearing request is post-marked or received by the Division, whichever occurs first, and the applicant later becomes ineligible for the requested hearing prior to the actual hearing, the applicant shall be entitled to a refund only if the Division receives a written notice from the applicant seeking to cancel the hearing postmarked at least 10 business days prior to the scheduled hearing date. The processing fee listed in Paragraph (m) of this Rule shall be deducted by the Division from any refunded hearing fee. An applicant's notice to cancel a hearing shall be mailed to: Division of Motor Vehicles, Attn: Administrative Support Unit, 3118 Mail Service Center, Raleigh, NC 27699-3118. Any notice to cancel a hearing postmarked less than 10 business days prior the hearing shall cancel the previously scheduled hearing.

(h) A hearing fee paid pursuant to 19A NCAC 03K .0102(a)(17) shall be non-refundable.

(i) The Division may waive the administrative a hearing fee when an applicant is indigent. An applicant seeking relief as indigent from an administrative hearing fee shall submit a completed and notarized Affidavit of Indigence as prescribed by the Division. The applicant may obtain a copy of the Affidavit of Indigence from the Division's website ([www.ncdot.gov/dmv/](http://www.ncdot.gov/dmv/)). The Affidavit of Indigence shall be posted by the Division in English and Spanish. A written hearing request that includes a completed and affirmed Affidavit of Indigence that is received by the Division within the deadline noticed under Paragraph (a) of this Rule shall be considered a timely request for hearing. An applicant may face criminal and civil penalties for submitting a false affidavit.

(j) Upon receipt of the Affidavit of Indigence, the Division shall determine whether the applicant is eligible for a waiver of the hearing fee required under Paragraph (c) of this Rule.

(k) In evaluating the Affidavit of Indigence, the Division shall apply the current Federal Poverty Level Guidelines to qualify an applicant's eligibility for waiver of the hearing fee. The Federal Poverty Guidelines issued by the U.S. Department of Health and Human Services and published in the Federal Register are incorporated by reference including subsequent amendments and editions. A copy may be obtained at no cost at <https://www.federalregister.gov/>. The applicant with income below 150 percent of the Federal Poverty Level shall receive a waiver of the hearing fee under Paragraph (c) of this Rule. The terms "household size" and "household income" are defined with reference by the Federal Income Tax Code (U.S. Code Title 26) and U.S. Treasury Regulations. The Federal Tax Code and U.S. Treasury Regulations published by the U.S. Internal Revenue Service are incorporated by reference including subsequent amendments and editions. A copy may be obtained at no cost at: <https://www.irs.gov/>. The waiver criteria are:

- (1) household size; and
- (2) household income.

The Division may request documentation from the applicant if necessary for the Division to qualify the applicant's eligibility for a waiver of the hearing fee. The applicant shall comply with a request for additional documentation within 10 calendar days. Failure to comply with a request for additional documentation shall result in a denial of the applicant's request for a waiver of the hearing fees.

(l) After the Division's review of an applicant's Affidavit of Indigence, the Division shall proceed as follows:

- (1) If the Division finds the applicant is qualified for a waiver of the hearing fee pursuant to the Affidavit of Indigence, the Division shall proceed with the hearing as if the required hearing fee had been paid. The Division shall send the notice listed in Paragraph (e) of this Rule.
- (2) If the Division finds the applicant is not qualified for a waiver of the hearing fee, the Division shall notify the applicant of this determination. This notification shall also include:
  - (A) notice of the amount of the hearing fee owed by the applicant to proceed with the requested hearing;
  - (B) a date upon which the applicant shall submit the required hearing fee to the Division noticed date, which shall not be less than 10 calendar days from the date of the notification;

- (C) notice that if the hearing fee is not received by the Division by the noticed date, the written request for hearing pursuant to Paragraph (c) of this Rule will be considered withdrawn; and
- (D) notice that any pending action by the Division upon which the applicant requested a hearing shall be placed into effect if such hearing fee is not paid by the noticed date.

An applicant's failure to pay the hearing fee by the date contained in the notification letter shall be considered a withdrawal of the request for a hearing. A hearing fee paid via U.S. Mail shall be deemed timely only if such payment is postmarked prior to the noticed date.

(m) The Division shall retain a sum of fifty dollars (\$50.00) to process all hearing requests set forth in 19A NCAC 03K .0102, except for hearings listed under 19A NCAC 03K .0102(a)(2) and (a)(16), for which the Division shall retain twenty dollars (\$20.00).

*History Note: Authority G.S. 20-16; 20-17; 20-31; S.L. 2014-100, s. 34.9, S.L. 2015-241, s. 29.30A; S.L. 2017-57, s. 34.32(a),(b),(c),(d);*  
*Temporary Adoption Eff. January 1, 2018. (Codifier's Note: This Rule shall remain in effect until the permanent rule that replaces the temporary rule becomes effective. See S.L. 2017-57, s. 34.32(c)).*

#### **19A NCAC 03K .0102 ADMINISTRATIVE HEARING FEE SCHEDULE**

(a) The Division shall assess the following administrative hearing fees, pursuant to Rule .0101 of this Subchapter:

- (1) sixty dollars (\$60.00) for a hearing related to a lapse in financial responsibility conducted pursuant G.S. 20-316;
- (2) forty dollars (\$40.00) for a conference to determine the applicant's eligibility to attend drive improvement clinic as provided by G.S. 20-16;
- (3) seventy-five dollars (\$75.00) for an ignition interlock mouth contaminant review to determine compliance with the requirements of the Ignition Interlock Program and of a conditional restoration agreement with the Division;
- (4) seventy dollars (\$70.00) for ignition interlock medical accommodation reviews;
- (5) one hundred dollars (\$100.00) for all other license suspension or revocation hearings not listed in Subparagraphs (6) through (12) of this Paragraph including hearings held pursuant to G.S. 20-13 and 20-16;
- (6) four hundred fifty dollars (\$450.00) for hearings conducted for violations of an alcohol concentration restriction (ACR), violation of an ignition interlock device restriction, or refusal to submit to a chemical analysis;
- (7) two hundred dollars (\$200.00) for a financial responsibility hearing conducted pursuant to the provisions of the Motor Vehicle Safety-Responsibility Act of 1953;
- (8) two hundred dollars (\$200.00) for a hearing related to a commercial driver license (CDL) disqualification;
- (9) two hundred dollars (\$200.00) for a restoration hearing related to a license suspension due to driving while license revoked or moving violation;
- (10) two hundred twenty-five dollars (\$225.00) for an interview held prior to a license restoration hearing in situations involving alcohol-related convictions, suspensions, or revocations;
- (11) four hundred twenty-five dollars (\$425.00) for a license restoration hearing related to driving while impaired (DWI) conducted pursuant to G.S. 20-19;
- (12) two hundred twenty dollars (\$220.00) for hearings conducted to determine compliance with the requirements of probation or restoration agreement with the Division;
- (13) two hundred dollars (\$200.00) for a motor vehicle dealer license or salesman license hearing conducted pursuant to G.S. 20-295 and 20-296;
- (14) two hundred dollars (\$200.00) for a mechanic license or inspection station license hearing conducted pursuant to G.S. 20-183.8G;
- (15) two hundred dollars (\$200.00) for a commercial driver training school hearing;
- (16) fifty dollars (\$50.00) for a hearing related to the denial of a service offered by the Division; and
- (17) a filing fee in the amount of six hundred dollars (\$600.00) shall be due from a party initiating an action that must be filed with the Commissioner of Motor Vehicles pursuant to G.S. 20-308.1. In addition to the filing fee, a party that files a motion in the case shall be assessed a fee of six hundred dollars (\$600.00) per motion that shall be payable at the time the motion is filed.

(b) No fees shall be charged for medical evaluation hearings or competency hearings conducted pursuant to G.S. 20-9(g)(4) or G.S. 20-17.1.

*History Note:* Authority S.L. 2015-241, s. 29.30A; S.L. 2014-100, s. 34.9; S.L. 2017-57, s. 34.32(a),(b),(c),(d); Temporary Adoption Eff. January 1, 2018. (Codifier's Note: This Rule shall remain in effect until the permanent rule that replaces the temporary rule becomes effective. See S.L. 2017-57, s. 34.32(c)).

**19A NCAC 03K .0103 REVIEW OF DENIAL FOR IGNITION INTERLOCK SYSTEM**

(a) The Division of Motor Vehicles shall develop a form affidavit containing the applicant's name, driver's license number, identification number, or customer number, and the requirements set forth in G.S. 20-179.5(c). The form affidavit shall be posted on the Division's website at [www.ncdot.gov/dmv](http://www.ncdot.gov/dmv).

(b) Pursuant to G.S. 20-179.5(b), the vendor shall deliver the decision on the waiver application to the applicant via personal service or certified mail. Within 30 days of service of the decision of the vendor, the applicant shall submit a written appeal to the Division of Motor Vehicles setting forth the facts, arguments, and all documents as set out in G.S. 20-179.5 upon which the appeal is based. The appeal shall be served upon the agency's process agent to the Division via certified mail pursuant to G.S. 1A-1, Rule 4(j) of the Rules of Civil Procedure.

(c) Upon receipt of the written appeal, the Division shall review the written appeal and the vendor's decision, as well as any documents, exhibits, or other evidence bearing on the appeal, and shall render the final agency decision, supported by findings of fact. The final agency decision shall be given in accordance with G.S. 20-48.

*History Note:* Authority G.S. 20-2(b); 20-48; 20-179.5; S.L. 2021-182; Temporary Adoption Eff. May 27, 2022.