

1 19A NCAC 02D .0644 is proposed for readoption without substantive changes as follows:

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3 **19A NCAC 02D .0644 ~~OVERSIZE-OVERWEIGHT~~ OVERSIZE/OVERWEIGHT LOAD ESCORT**  
4 **VEHICLE OPERATOR CERTIFICATION PROGRAM**

5 (a) The Secretary of Transportation or ~~his~~ the Secretary's designee shall administer an ~~Oversize-Overweight~~  
6 Oversize/Overweight Load Escort Vehicle Operator Certification Program as required by G.S. 20-119.

7 (b) ~~The escort vehicle operator certification program~~ Escort Vehicle Operator Certification Program shall include the  
8 following:

- 9 (1) ~~Instruction~~ instruction on safe and effective escort ~~skills;~~ skills.  
10 (2) ~~Examination~~ examination that documents course ~~comprehension;~~ comprehension.  
11 (3) ~~Recognition~~ recognition of escort vehicle operator ~~certification;~~ and certification.  
12 (4) ~~Recognition~~ recognition of escort vehicle operator certification from other states ~~which~~ that have  
13 certification programs for operators with out-of-state driver's license.

14 (c) ~~The department shall~~ Department will issue a certificate ~~which~~ that provides recognition of satisfactory completion  
15 of the instruction.

- 16 (1) The certificate shall be effective for four years from the issue date.  
17 (2) The certificate shall be reissued upon satisfactory completion of a current certification examination  
18 administered by ~~North Carolina Department of Transportation (NCDOT)~~ training providers.

19 (d) Any person seeking authorization to be an operator ~~authorized to escort a~~ permitted to escort an ~~oversize-~~  
20 ~~overweight~~ oversize/overweight load in North Carolina shall ~~make~~ submit an application to ~~NCDOT~~ the Department  
21 and attach a State certified copy of their driving record. Any person seeking authorization under this paragraph shall  
22 be qualified as follows:

- 23 (1) ~~An~~ an escort certified by another state's approved program;  
24 (2) ~~A~~ a North Carolina law enforcement officer; or  
25 (3) ~~A~~ a person who:  
26 (A) is at least 21 years of age or 18 years of age with a Class A commercial driver's license;  
27 Meets one of the following requirements:  
28 (i) ~~Is at least 21 years of age; or~~  
29 (ii) ~~Is at least 18 years of age with a Class A commercial driver's license;~~  
30 (B) ~~Possesses~~ possesses a valid driver's license without restrictions other than for the use of  
31 corrective ~~lens~~ lenses and ~~has demonstrated evidence of operating a motor vehicle safely~~  
32 ~~which includes~~ shall not have received a citation in the previous 12 months for operating a  
33 vehicle in a reckless manner or driving while ~~impaired;~~ impaired in the previous 12 months.  
34 ~~The driving record shall be documented by a certified copy of Division of Motor Vehicles~~  
35 ~~(DMV) Driver's Record accompanying the application;~~

1 (C) ~~Possesses~~ possesses and provides with their application documentation of their satisfactory  
2 completion of a defensive driving course that has been approved by the National Safety  
3 Council; and ~~Council or an equivalent course; and~~

4 (D) ~~Has~~ has received a certification examination score of at least 75 percent after completing  
5 ~~successfully completed the~~ all eight classroom-hours of the North Carolina Department of  
6 Transportation ~~Oversize Overweight~~ Oversize/Overweight Load Escort Vehicle Operator  
7 Certification Program. The Oversize/Overweight Load Escort Vehicle Operator  
8 Certification Program is ~~program~~ offered by the North Carolina Community College  
9 System. System with a certification examination score of at least 75% correct and has  
10 received escort certification by the Department.

11 (e) ~~Certification~~ An authorized operator's certification shall be revoked during its effective period upon any of the  
12 following occurrences; for the following:

13 (1) ~~Failure~~ failure to maintain a valid driver's license without restrictions other than for corrective  
14 lenses; lens; or

15 (2) ~~Failure~~ failure to operate a motor vehicle safely as evidenced by receiving a conviction for operating  
16 a vehicle in a reckless manner, driving while impaired, or other evidence that the operator performed  
17 their escort duties in a manner likely to cause an accident, personal injury, or damage to property.  
18 ~~safely. Conviction of operating in a reckless manner or driving while impaired shall constitute prima~~  
19 ~~facie evidence of not operating a motor vehicle in a safe manner; or~~

20 (3) ~~Evidence of performing the duties of an escort driver in a manner with the potential to cause an~~  
21 ~~accident, personal injury, or damage to property.~~

22 (f) If certification ~~is~~ shall be revoked under pursuant to this Rule. Section, subsequent certification as an Escort  
23 Vehicle Operator shall require reapplication, satisfaction of program prerequisites, and requalification through the  
24 certification program.

25 (g) An individual who has had his or her certificate revoked ~~may~~, may make written appeal within 15 days following  
26 notification of the adverse ~~action, make written appeal action~~ to the Secretary of Transportation for review of the  
27 revocation. The Secretary may affirm or set aside the revocation based on a review of the written appeal, the  
28 revocation decision, as well as any available documents, exhibits, or other evidence bearing on the appeal. The  
29 individual appealing ~~will~~ shall be advised of the final disposition ~~of the action~~ within 21 days following receipt of the  
30 appeal.

31 (h) The Secretary of Transportation or ~~his~~ the Secretary's designee shall only recognize certificates of other states  
32 whose if those programs meet the State objectives of North Carolina's as outlined in this Rule and G.S. 20-119.  
33 program for operators with out of state driver's license.

34 (i) Escort Vehicle Operator ~~certification~~ Certification and a valid driver's license shall be available in the escort vehicle  
35 for inspection at all times, whenever the operator is performing the role of escort.

36 (j) ~~Failure to conform to the escort requirements of this Rule shall result in penalties imposed in G.S. 20-119(d).~~

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- 1 *History Note: Authority G.S. 20-119;*
- 2 *Temporary Adoption Eff. March 11, 2002;*
- 3 *Eff. April 1, 2003;*
- 4 *Amended Eff. April 1, 2009.*