19A NCAC 02D .0643 ESCORT VEHICLE DRIVER CERTIFICATION

On or after July 1, 2003, when an escort vehicle is required, escort vehicle drivers shall be certified in accordance with 19 A NCAC 02D.0644. Certification credentials shall be carried in the vehicle and shall be readily available for inspection by law enforcement officials with jurisdiction.

History Note: Statutory Authority G.S. 20-119;

Filed as a Temporary Rule Eff. March 11, 2002;

Eff. April 1, 2003.

19A NCAC 02D .0644 OVERSIZE-OVERWEIGHT LOAD ESCORT VEHICLE OPERATOR CERTIFICATION PROGRAM

- (a) The Secretary of Transportation or his designee shall administer an Oversize-Overweight Load Escort Vehicle Operator Certification Program as required by G.S. 20-119.
- (b) The escort vehicle operator certification program shall include the following:
 - (1) Instruction on safe and effective escort skills.
 - (2) Examination that documents course comprehension.
 - (3) Recognition of escort vehicle operator certification.
 - (4) Recognition of escort vehicle operator certification from other states which have certification programs for operators with out-of-state driver's license.
- (c) The department shall issue a certificate which provides recognition of satisfactory completion of the instruction.
 - (1) The certificate shall be effective for four years from issue date.
 - (2) The certificate shall be reissued upon satisfactory completion of a current certification examination administered by North Carolina Department of Transportation (NCDOT) training providers.
- (d) Any operator authorized to escort a permitted oversize-overweight load in North Carolina shall make application to NCDOT and be qualified as follows:
 - (1) An escort certified by another state's approved program;
 - (2) A North Carolina law enforcement officer; or
 - (3) A person who:
 - (A) Meets one of the following requirements:
 - (i) Is at least 21 years of age; or
 - (ii) Is at least 18 years of age with a Class A commercial driver's license;
 - (B) Possesses a valid driver's license without restrictions other than for use of corrective lens and has demonstrated evidence of operating a motor vehicle safely which includes not operating in a reckless manner or driving while impaired in the previous 12 months. The driving record shall be documented by a certified copy of Division of Motor Vehicles (DMV) Driver's Record accompanying the application;
 - (C) Possesses and provides with application documentation of completion of a defensive driving course approved by the National Safety Council or an equivalent course; and
 - (D) Has successfully completed the eight classroom-hours North Carolina Department of Transportation Oversize-Overweight Load Escort Vehicle Operator Certification Program offered by the North Carolina Community College System with a certification examination score of at least 75% correct and has received escort certification by the Department.
- (e) Certification shall be revoked during its effective period for the following:
 - (1) Failure to maintain a valid driver's license without restrictions other than for corrective lens; or
 - (2) Failure to operate a motor vehicle safely. Conviction of operating in a reckless manner or driving while impaired shall constitute prima facie evidence of not operating a motor vehicle in a safe manner; or

- (3) Evidence of performing the duties of an escort driver in a manner with the potential to cause an accident, personal injury, or damage to property.
- (f) If certification is revoked under this Section, subsequent certification as an Escort Vehicle Operator shall require reapplication, satisfaction of program prerequisites, and requalification through the certification program.
- (g) An individual who has had his or her certificate revoked may, within 15 days following notification of the adverse action, make written appeal to the Secretary of Transportation for review of the revocation. The Secretary may affirm or set aside the revocation based on a review of the written appeal, the revocation decision, as well as any available documents, exhibits or other evidence bearing on the appeal. The individual appealing will be advised of the final disposition of the action within 21 days following receipt of the appeal.
- (h) The Secretary of Transportation or his designee shall recognize certificates of other states whose programs meet the objectives of North Carolina's program for operators with out-of-state driver's license.
- (i) Escort Vehicle Operator certification and a valid driver's license shall be available in the escort vehicle for inspection whenever the operator is performing the role of escort.
- (j) Failure to conform to the escort requirements of this Rule shall result in penalties imposed in G.S. 20-119(d).

History Note: Authority G.S. 20-119;

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