

RRC STAFF OPINION

PLEASE NOTE: THIS COMMUNICATION IS EITHER 1) ONLY THE RECOMMENDATION OF AN RRC STAFF ATTORNEY AS TO ACTION THAT THE ATTORNEY BELIEVES THE COMMISSION SHOULD TAKE ON THE CITED RULE AT ITS NEXT MEETING, OR 2) AN OPINION OF THAT ATTORNEY AS TO SOME MATTER CONCERNING THAT RULE. THE AGENCY AND MEMBERS OF THE PUBLIC ARE INVITED TO SUBMIT THEIR OWN COMMENTS AND RECOMMENDATIONS (ACCORDING TO RRC RULES) TO THE COMMISSION.

AGENCY: Department of Transportation, Division of Motor Vehicles

RULE CITATION: 19A NCAC 03F .0201, .0202, and .0203

RECOMMENDED ACTION:

- Approve, but note staff's comment
- X Object, based on:
 - Lack of statutory authority
 - Unclear or ambiguous
 - X Unnecessary
 - Failure to comply with the APA
 - Extend the period of review

COMMENT:

Staff recommends objection for lack of necessity. G.S. 20-166.1(j) states: "The Division may periodically publish statistical information on motor vehicle accidents based on information in accident reports." These rules are purely informational, restating the information contained in the Division's statistical reports. Further, these rules do not affect the procedural or substantive rights of the public. As a result, staff recommends objection for lack of necessity because the contents of .0201, .0202, and .0203 do not meet the definition of a "rule" in 150B-2(8a).

May 12, 2021
Ashley Snyder
Commission Counsel

1 19A NCAC 03F .0201 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

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3 **19A NCAC 03F .0201 TRAFFIC ACCIDENT SUMMARY**

4 (a) The Collision Reports/General Services Section publishes a summary of motor vehicle traffic accidents monthly
5 and annually. This publication contains information on all types of motor vehicles, pedestrian, ~~pedestrian~~ and bicycle
6 accidents. The accidents are categorized by:

7 (1) county; ~~county~~,

8 (2) rural or urban; ~~rural or urban~~,

9 (3) time of day; ~~time of day~~,

10 (4) day of week; ~~day of week~~,

11 (5) drivers by age and sex.

12 (b) The summary is provided to federal and State ~~state~~ agencies, officers of the court, the Division of Highways,
13 research institutes and libraries. It is also available to the general public upon request.

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15 *History Note: Authority G.S. 20-1; 20-3; 20-39; 20-166.1;*

16 *Eff. July 1, 1978;*

17 *Amended Eff. November 1, 1991; February 1, ~~1982-1982~~;*

18 *Readopted Eff. June 1, 2021.*

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1 19A NCAC 03F .0202 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

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3 **19A NCAC 03F .0202 FATAL ACCIDENT REPORTS**

4 The Collision Reports/General Services Section publishes monthly a report on the number of fatal accidents and the
5 number of persons killed in these accidents. Comparisons are made with information from the prior year. This report
6 is furnished to officers of the court, the Highway Patrol and the news media.

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8 *History Note: Authority G.S. 20-1; 20-3; 20-39; 20-166.1;*

9 *Eff. July 1, 1978;*

10 *Amended Eff. November 1, 1991; February 1, ~~1982-1982~~;*

11 *Readopted Eff. June 1, 2021.*

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1 19A NCAC 03F .0203 is readopted as published in 35:14 NCR 1569-1572 without changes as follows:

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3 **19A NCAC 03F .0203 SPECIAL HOLIDAY REPORTS**

4 Special holiday reports giving information on prior year fatalities, injuries, ~~accidents, accidents~~ and driver violations
5 are published by the Collision Reports/General Services Section. These reports are provided to the National Safety
6 Council and the Highway Patrol and are used by the news media to project accidents over a holiday period.

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8 *History Note: Authority G.S. 20-1; 20-3; 20-39; 20-166.1;*

9 *Eff. July 1, 1978;*

10 *Amended Eff. November 1, 1991; February 1, ~~1982-1982~~;*

11 *Readopted Eff. June 1, 2021.*

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