

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 382

Short Title: No Stacking of Overweight Penalties.

(Public)

Sponsors: Representative Buchanan.

Referred to: Transportation.

March 28, 1991

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE STACKING OF OVERWEIGHT PENALTIES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-118(e) reads as rewritten:

"(e) Penalties. –

(1) Except as provided in G.S. 20-118(e)(2), for each violation of the single-axle or tandem-axle weight limits as provided in G.S. 20-118(b)(1), 20-118(b)(2), and 20-118(b)(4), the owner or registrant of the vehicle shall pay to the Department of Transportation a civil penalty in accordance with the following schedule: for the first 1,000 pounds or any part thereof, four cents (4¢) per pound; for the next 1,000 pounds or any part thereof, six cents (6¢) per pound; and for each additional pound, ten cents (10¢) per pound. The foregoing schedule of penalties shall apply separately to each weight limit violated. In all cases of violation of the weight limitation, the penalty shall be computed and assessed on each pound of weight in excess of the maximum permitted in G.S. 20-118(b)(1), 20-118(b)(2), and 20-118(b)(4).

(2) For each violation of the single-axle or tandem-axle weight limit as provided in G.S. 20-118(b)(1) and 20-118(b)(2) by vehicles transporting processed and unprocessed seafood from boats or any other point of origin to a processing plant or a point of further distribution, meats and agricultural crop products originating from a farm, or forest products originating from a farm or from woodlands to

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1 first market, or livestock or poultry by-products from point of origin to
2 a rendering plant, or fully enclosed motor vehicles designed
3 specifically for collecting, compacting and hauling garbage from
4 residences, or from garbage dumpsters when operating for those
5 purposes, the owner or registrant of the vehicle shall pay to the
6 Department a civil penalty which equals the amount produced by
7 applying one-half of the rate indicated in the schedule in G.S. 20-
8 118(e)(1) to the weight in pounds on each axle in excess of the
9 maximum weight in pounds allowed under G.S. 20-118(b)(1) and 20-
10 118(b)(2).

11 (3) Except as provided in G.S. 20-118(e)(4), for ~~each~~any violation of any
12 axle-group weight limit as provided in G.S. 20-118(b)(3), the owner or
13 registrant shall pay the Department of Transportation in accordance
14 with the following schedule: for the first 2,000 pounds or any part
15 thereof, two cents (2¢) per pound, for the next 3,000 pounds or any
16 part thereof, four cents (4¢) per pound; for each pound in excess of
17 5,000 pounds, ten cents (10¢) per pound. The schedule of penalties
18 shall apply separately to ~~each~~the highest of any axle-group weight
19 limit violated. ~~The penalty shall be assessed on each pound of weight in~~
20 ~~excess of the maximum permitted in G.S. 20-118(b)(3).~~

21 (4) For each violation of any weight limit as provided in G.S. 20-118(b)(3)
22 by vehicles transporting processed and unprocessed seafood from
23 boats or any other point of origin to a processing plant or a point of
24 further distribution, meats and agricultural crop products originating
25 from a farm or forest products originating from a farm or woodlands to
26 first market, or livestock or poultry by-products from point of origin to
27 a rendering plant, or fully enclosed motor vehicles designed
28 specifically for collecting, compacting and hauling garbage from
29 residences, or from garbage dumpsters when operating for those
30 purposes, the owner or registrant shall pay to the Department a civil
31 penalty which equals the amount produced by applying one-half of the
32 rate indicated in the schedule in G.S. 20-118(e)(3) to the weight in
33 pounds on each axle group in excess of the maximum weight in
34 pounds allowed under G.S. 20-118(b)(3).

35 (5) The civil penalties provided in this section shall constitute the sole
36 penalty for violations of G.S. 20-118(b)(1), 20-118(b)(2), 20-
37 118(b)(3), 20-118(b)(4), 20-118(i), and 20-118(j), and violators thereof
38 shall not be subject to criminal action except as provided in G.S. 20-96
39 and as provided in G.S. 136-72 for any vehicle or combination of
40 vehicles exceeding the safe load carrying capacity for bridges on the
41 State Highway System as established and posted by the Department of
42 Transportation."

43 Sec. 2. This act is effective upon ratification.