

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 802

Short Title: Recyclable Weight Penalty.

(Public)

Sponsors: Representatives DeVane; and R. Hunter.

Referred to: Environment.

April 8, 1993

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR ONE-HALF THE NORMAL WEIGHT PENALTY FOR
VEHICLES HAULING RECYCLABLE MATERIALS.

The General Assembly of North Carolina enacts:

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

"(c) Exceptions. – The following exceptions apply to G.S. 20-118(b) and 20-118(e).

(1) Two consecutive sets of tandem axles may carry a gross weight of 34,000 pounds each without penalty provided the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more. Tank trailers, dump trailers, and ocean going transport containers on two consecutive sets of tandem axles may carry a gross weight of 34,000 pounds each without penalty provided the overall distance between the second and the fifth axles of such consecutive sets of tandem axles is 30 feet or more. The exception for tank trailers, dump trailers, and ocean transport containers shall expire August 31, 1988.

(2) When a vehicle is operated in violation of G.S. 20-118(b)(1), 20-118(b)(2), or 20-118(b)(3), but the gross weight of the vehicle or combination of vehicles does not exceed that permitted by G.S. 20-118(b)(3), the owner of the vehicle shall be permitted to shift the load within the vehicle, without penalty, from one axle to another to comply with the weight limits in the following cases:

- 1 a. Where the single-axle load exceeds the statutory limits, but
2 does not exceed 21,000 pounds.
- 3 b. Where the vehicle or combination of vehicles has tandem axles,
4 but the tandem-axle weight does not exceed 40,000 pounds.
- 5 (3) When a vehicle is operated in violation of G.S. 20-118(b)(4) the owner
6 of the vehicle shall be permitted, without penalty, to shift the load
7 within the vehicle from one axle to another to comply with the weight
8 limits where the single-axle weight does not exceed the posted limit by
9 2,500 pounds.
- 10 (4) A truck or other motor vehicle shall be exempt from such light-traffic
11 road limitations provided for pursuant to G.S. 20-118(b)(4), when
12 transporting supplies, material or equipment necessary to carry out a
13 farming operation engaged in the production of meats and agricultural
14 crops and livestock or poultry by-products or a business engaged in the
15 harvest or processing of seafood when the destination of such vehicle
16 and load is located solely upon said light-traffic road.
- 17 (5) A truck or other motor vehicle shall be exempt from such light-traffic
18 road limitations provided for pursuant to G.S. 20-118(b)(4), when
19 transporting processed and unprocessed seafood from boats or any
20 other point of origin, meats and agricultural crop products originating
21 from a farm, or forest products originating from a farm or from
22 woodlands, or livestock or poultry by-products from point of origin, or
23 recyclable material for processing from a point of origin to a scrap-
24 processing facility on a light-traffic road to the nearest State
25 maintained road which is not posted to prohibit the transportation of
26 statutory load limits. As used in this subdivision, 'processing' has the
27 same meaning as defined in G.S.130A-290(a)(23) and 'recyclable
28 material' has the same meaning as defined in G.S. 130A-290(a)(26).
- 29 (6) A truck or other motor vehicle shall be exempt from such light-traffic
30 road limitations provided by G.S. 20-118(b)(4) when such motor
31 vehicles are owned, operated by or under contract to a public utility,
32 electric or telephone membership corporation or municipality and such
33 motor vehicles are used in connection with installation, restoration or
34 emergency maintenance of utility services.
- 35 (7) A wrecker may tow a disabled vehicle or combination of vehicles in an
36 emergency to the nearest feasible point for parking or storage without
37 being in violation of G.S. 20-118 provided that the wrecker and towed
38 vehicle or combination of vehicles otherwise meet all requirements of
39 this section.
- 40 (8) A firefighting vehicle operated by any member of a municipal or rural
41 fire department in the performance of his duties, regardless of whether
42 members of that fire department are paid or voluntary and any vehicle
43 of a voluntary lifesaving organization, when operated by a member of

1 that organization while answering an official call shall be exempt from
2 such light-traffic road limitations provided by G.S. 20-118(b)(4).

3 (9) Fully enclosed motor vehicles designed specifically for collecting,
4 compacting and hauling garbage from residences or from garbage
5 dumpsters shall, when operating for those purposes, be exempt from
6 the light-traffic road limitation as provided by G.S. 20-118(b)(4). This
7 exemption shall not apply to vehicles transporting hazardous waste as
8 defined in G.S. 130A-290(a)(8), spent nuclear fuel regulated under
9 G.S. 20-167.1, low-level radioactive waste as defined in G.S. 104E-
10 5(9a), or radioactive material as defined in G.S. 104E-5(14).

11 (10) Fully enclosed motor vehicles designed specifically for collecting,
12 compacting and hauling garbage from residences, or from garbage
13 dumpsters shall, when operating for those purposes, be allowed a
14 single axle weight not to exceed 23,500 pounds on the steering axle on
15 vehicles equipped with a boom, or on the rear axle on vehicles loaded
16 from the rear. This exemption shall not apply to vehicles transporting
17 hazardous waste as defined in G.S. 130A-290(a)(8), spent nuclear fuel
18 regulated under G.S. 20-167.1, low-level radioactive waste as defined
19 in G.S. 104E-5(9a), or radioactive material as defined in G.S. 104E-
20 5(14).

21 (11) A truck or other motor vehicle shall be exempt for light-traffic road
22 limitations issued under subdivision (b)(4) of this section when
23 transporting heating fuel for on-premises use at a destination located
24 on the light-traffic road."

25 Sec. 2. G.S. 20-118(e) reads as rewritten:

26 "(e) Penalties. –

27 (1) Except as provided in G.S. 20-118(e)(2), for each violation of the
28 single-axle or tandem-axle weight limits as provided in G.S. 20-
29 118(b)(1), 20-118(b)(2), and 20-118(b)(4), the owner or registrant of
30 the vehicle shall pay to the Department of Transportation a civil
31 penalty in accordance with the following schedule: for the first 1,000
32 pounds or any part thereof, four cents (4¢) per pound; for the next
33 1,000 pounds or any part thereof, six cents (6¢) per pound; and for
34 each additional pound, ten cents (10¢) per pound. The foregoing
35 schedule of penalties shall apply separately to each weight limit
36 violated. In all cases of violation of the weight limitation, the penalty
37 shall be computed and assessed on each pound of weight in excess of
38 the maximum permitted in G.S. 20-118(b)(1), 20-118(b)(2), and 20-
39 118(b)(4).

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

1 farm, or forest products originating from a farm or from woodlands to
2 first market, or livestock or poultry by-products from point of origin to
3 a rendering plant, recyclable material for processing from a point of
4 origin to a scrap-processing facility, or fully enclosed motor vehicles
5 designed specifically for collecting, compacting and hauling garbage
6 from residences, or from garbage dumpsters when operating for those
7 purposes, the owner or registrant of the vehicle shall pay to the
8 Department a civil penalty which equals the amount produced by
9 applying one-half of the rate indicated in the schedule in G.S. 20-
10 118(e)(1) to the weight in pounds on each axle in excess of the
11 maximum weight in pounds allowed under G.S. 20-118(b)(1) and 20-
12 118(b)(2). As used in this subdivision, 'processing' has the same
13 meaning as defined in G.S.130A-290(a)(23) and 'recyclable material'
14 has the same meaning as defined in G.S. 130A-290(a)(26).

15 (3) Except as provided in G.S. 20-118(e)(4), for each violation of any
16 axle-group weight limit as provided in G.S. 20-118(b)(3), the owner or
17 registrant shall pay the Department of Transportation in accordance
18 with the following schedule: for the first 2,000 pounds or any part
19 thereof, two cents (2¢) per pound, for the next 3,000 pounds or any
20 part thereof, four cents (4¢) per pound; for each pound in excess of
21 5,000 pounds, ten cents (10¢) per pound. The schedule of penalties
22 shall apply separately to each axle-group weight limit violated. The
23 penalty shall be assessed on each pound of weight in excess of the
24 maximum permitted in G.S. 20-118(b)(3).

25 (4) For each violation of any weight limit as provided in G.S. 20-118(b)(3)
26 by vehicles transporting processed and unprocessed seafood from
27 boats or any other point of origin to a processing plant or a point of
28 further distribution, meats and agricultural crop products originating
29 from a farm or forest products originating from a farm or woodlands to
30 first market, or livestock or poultry by-products from point of origin to
31 a rendering plant, recyclable material for processing from point of
32 origin to a scrap-processing facility, or fully enclosed motor vehicles
33 designed specifically for collecting, compacting and hauling garbage
34 from residences, or from garbage dumpsters when operating for those
35 purposes, the owner or registrant shall pay to the Department a civil
36 penalty which equals the amount produced by applying one-half of the
37 rate indicated in the schedule in G.S. 20-118(e)(3) to the weight in
38 pounds on each axle group in excess of the maximum weight in
39 pounds allowed under G.S. 20-118(b)(3). As used in this subdivision,
40 'processing' has the same meaning as defined in G.S.130A-290(a)(23)
41 and 'recyclable material' has the same meaning as defined in G.S.
42 130A-290(a)(26).

43 (5) The civil penalties provided in this section shall constitute the sole
44 penalty for violations of G.S. 20-118(b)(1), 20-118(b)(2), 20-

1 118(b)(3), 20-118(b)(4), 20-118(i), and 20-118(j), and violators thereof
2 shall not be subject to criminal action except as provided in G.S. 20-96
3 and as provided in G.S. 136-72 for any vehicle or combination of
4 vehicles exceeding the safe load carrying capacity for bridges on the
5 State Highway System as established and posted by the Department of
6 Transportation."

7 Sec. 3. This act is effective upon ratification.