

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 331
Transportation Committee Substitute Adopted 3/28/95
Third Edition Engrossed 3/29/95
House Committee Substitute Favorable 6/14/95

Short Title: Truck Weight Tolerances Limits.

(Public)

Sponsors:

Referred to:

March 8, 1995

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A LIMITED TOLERANCE FOR EXISTING TRUCK WEIGHTS.

The General Assembly of North Carolina enacts:

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

"(h) Tolerance. – A vehicle may exceed maximum and the inner axle-group weight limitations set forth in subdivision (b)(3) of this section by a tolerance of ten percent (10%). This exception does not authorize a vehicle to exceed either the single-axle or tandem-axle weight limitations set forth in subdivisions (b)(1) and (b)(2) of this section, or the maximum gross weight limit of 80,000 pounds. This exception does not apply to bridges posted under G.S. 136-72 or to vehicles operating on interstate highways. The tolerance allowed under this subsection does not authorize the weight of a vehicle to exceed the weight for which that vehicle is licensed under G.S. 20-88. No tolerance on the single-axle weight, the tandem-axle weight, or axle-group weight or the tandem-axle weight provided for in G.S. 20-118(b) subdivisions (b)(1) and (b)(2) of this section shall be granted administratively or otherwise. The Department of Transportation shall report back to the Transportation Oversight Committee and to the General Assembly on the effects of the tolerance granted under this section, any abuses of this tolerance, and any suggested revisions to this section by that Department on or before May 1, 1998."

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

1 "(e) Penalties. –

2 (1) Except as provided in subdivision (2) of this subsection, for each
3 violation of the single-axle or tandem-axle weight limits set in
4 subdivision (b)(1), (b)(2), or (b)(4) of this section, the Department of
5 Transportation shall assess a civil penalty against the owner or
6 registrant of the vehicle in accordance with the following schedule: for
7 the first 1,000 pounds or any part thereof, four cents (4¢) per pound;
8 for the next 1,000 pounds or any part thereof, six cents (6¢) per pound;
9 and for each additional pound, ten cents (10¢) per pound. These
10 penalties apply separately to each weight limit violated. In all cases of
11 violation of the weight limitation, the penalty shall be computed and
12 assessed on each pound of weight in excess of the maximum
13 permitted.

14 (2) The penalty for a violation of the single-axle or tandem-axle weight
15 limits by a vehicle that is transporting an item listed in subdivision
16 (c)(5) of this section is one-half of the amount it would otherwise be
17 under subdivision (1) of this subsection.

18 (3) ~~Except as provided in subdivision (4) of this subsection, for a violation~~
19 ~~of an axle-group weight limit set in subdivision (b)(3) of this section,~~
20 ~~the Department of Transportation shall assess a civil penalty against~~
21 ~~the owner or registrant of the motor vehicle in accordance with the~~
22 ~~following schedule: for the first 2,000 pounds or any part thereof, two~~
23 ~~cents (2¢) per pound; for the next 3,000 pounds or any part thereof,~~
24 ~~four cents (4¢) per pound; for each pound in excess of 5,000 pounds,~~
25 ~~ten cents (10¢) per pound. These penalties apply separately to each~~
26 ~~axle-group weight limit violated. The penalty shall be assessed on each~~
27 ~~pound of weight in excess of the maximum permitted.~~

28 If an axle-group weight of a vehicle exceeds the weight limit set in
29 subdivision (b)(3) of this section plus any tolerance allowed in
30 subsection (h) of this section, the Department of Transportation shall
31 assess a civil penalty against the owner or registrant of the motor
32 vehicle. The penalty shall be assessed on the number of pounds by
33 which the axle-group weight exceeds the limit set in subdivision
34 (b)(3), as follows: for the first 2,000 pounds or any part thereof, two
35 cents (2¢) per pound; for the next 3,000 pounds or any part thereof,
36 four cents (4¢) per pound; for each pound in excess of 5,000 pounds,
37 ten cents (10¢) per pound. Tolerance pounds in excess of the limit set
38 in subdivision (b)(3) are subject to the penalty if the vehicle exceeds
39 the tolerance allowed in subsection (h) of this section. These penalties
40 apply separately to each axle-group weight limit violated.

41 (4) The penalty for a violation of an axle-group weight limit by a vehicle
42 that is transporting an item listed in subdivision (c)(5) of this section is
43 one-half of the amount it would otherwise be under subdivision (3) of
44 this subsection.

- 1 (5) A violation of a weight limit in this section is not punishable under
2 G.S. 20-176."
3 Sec. 3. The heading to the table of maximum weights included in G.S. 20-
4 118(b)(3) reads as rewritten:
5 "Maximum Weight in Pounds for any Group of Two or More
6 Consecutive Axles ~~Including all Tolerances~~".
7 Sec. 4. This act is effective upon ratification.