

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 1043
Commerce Committee Substitute Adopted 6/24/04

Short Title: Aggregate Truck Weight Limits.

(Public)

Sponsors:

Referred to:

May 11, 2004

A BILL TO BE ENTITLED

AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING CERTAIN MATERIALS AND TO PROVIDE THAT A LAW ENFORCEMENT OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES OF EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE PERSON HAS BEEN ISSUED A PERMIT AND THE PERSON SUBMITS THE PERMIT WITHIN THIRTY DAYS OF THE VIOLATION.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-118(c)(15) reads as rewritten:

"(15) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle combination that meets all of the conditions below, but all other enforcement provisions of this Article remain applicable:

- a. Is hauling wood residuals, including wood chips, sawdust, mulch, or tree ~~bark~~, bark, or is transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings from a site that does not have a certified scale for weighing the vehicle.
- b. Does not operate on an interstate highway, a posted light-traffic road, or a posted bridge.
- c. Does not exceed a maximum gross weight 4,000 pounds in excess of what is allowed in subsection (b) of this section.
- d. Does not exceed a single-axle weight of more than 22,000 pounds and a tandem-axle weight of more than 42,000 pounds."

SECTION 2. G.S. 20-118(e) is amended by adding a new subdivision to

read:

"(6) The penalty for violating the gross weight or axle-group weight by a dump truck or dump trailer vehicle transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings intrastate from a site that does not have a certified scale for weighing the vehicle is one-half of the

1 amount it otherwise would be under subdivisions (1) and (3) of this
2 subsection."

3 **SECTION 3.** G.S. 20-119 is amended by adding a new subsection to read:

4 "(g) No law enforcement officer shall issue a citation to a person for a violation of
5 this section if the officer is able to determine by electronic means that the person has a
6 valid permit but does not have the permit in his or her possession. Any person issued a
7 citation pursuant to this section who does not have the permit in his or her possession at
8 the time of the issuance of the citation shall not be responsible for a violation, and the
9 Department of Crime Control and Public Safety may not impose any fines under this
10 section if the person submits evidence to the Department of the existence of a valid
11 permit within 30 days of the date of the violation."

12 **SECTION 4.** Section 3 of this act becomes effective January 1, 2005. The
13 remainder of this act is effective when it becomes law.