

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2007

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HOUSE BILL 1321  
Committee Substitute Favorable 5/17/07  
Senate Transportation Committee Substitute Adopted 7/11/07

Short Title: Weight and Size Exemption for Fire Response.

(Public)

Sponsors:

Referred to:

April 5, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A WEIGHT AND SIZE EXCEPTION TO STATE AND LOCAL FIREFIGHTING AGENCIES TRANSPORTING OVERWEIGHT AND OVERSIZED VEHICLES BEING USED TO COMBAT FOREST FIRES, WILDFIRES, AND OTHER EMERGENCIES OR DISASTERS, TO AUTHORIZE THE ISSUANCE OF AN ANNUAL OR SINGLE TRIP PERMIT FOR OVERSIZE AND OVERWEIGHT COMMERCIAL VEHICLES USED IN EMERGENCY RESPONSE, AND TO AUTHORIZE THE ISSUANCE OF A SINGLE TRIP PERMIT FOR OVERSIZE OR OVERWEIGHT VEHICLES OR VEHICLE COMBINATIONS RESPONDING TO AN EMERGENCY EVENT.

The General Assembly of North Carolina enacts:

**SECTION 1.** Chapter 20 of the General Statutes is amended by adding a new section to read:

**"§ 20-118.4. Firefighting equipment exempt from size and weight restrictions while transporting or moving heavy equipment in an emergency; permits.**

(a) Exemption From Weight and Size Restrictions During Emergency Response.  
– Any overweight or oversize vehicle owned and operated by a State or local government or cooperating federal agency is exempt from the weight and size restrictions of this Chapter and implementing rules while it is actively engaged in (i) a response to a fire under the authority of a forest ranger pursuant to G.S. 113-55(a); (ii) a county request for forest protection assistance pursuant to G.S. 113-59; (iii) a request for assistance under a state of emergency declared pursuant to G.S. 14-288.12, 14-288.13, 14-288.14, 14-288.15, and any other applicable statutes and provisions of common law; (iv) a request for assistance under a disaster declared pursuant to G.S. 166A-6 or G.S. 166A-8, when the vehicle meets the following conditions:

(1) The vehicle weight does not exceed the manufacturer's GVWR or 90,000 pounds gross weight, whichever is less.

1           (2)   The tri-axle grouping weight does not exceed 50,000 pounds, tandem  
2           axle weight does not exceed 42,000 pounds, and the single axle weight  
3           does not exceed 22,000 pounds.

4           (3)   A vehicle/vehicle combination does not exceed 12 feet in width and a  
5           total overall vehicle combination length of 75 feet from bumper to  
6           bumper.

7           (b)   Marking, Lighting, and Bridge Requirements. – Vehicle/vehicle combinations  
8           subject to an exemption or permit under this section shall not be exempt from the  
9           requirement of a yellow banner on the front and rear measuring a total length of seven  
10          feet by 18 inches bearing the legend "Oversize Load" in 10 inch black letters 1.5 inches  
11          wide, and red flags measuring 18 inches square to be displayed on all sides at the widest  
12          point of load. In addition, when operating between sunset and sunrise, flashing amber  
13          lights shall be displayed on each side of the load at the widest point. Vehicle/vehicle  
14          combinations subject to an exemption or permit under this section shall not exceed  
15          posted bridge limits without prior approval from the Department of Transportation.

16          (c)   Definition of 'Response'. – A response lasts from the time an overweight or  
17          oversize vehicle is requested until the vehicle is returned to its base location and  
18          restored to a state of readiness for another response.

19          (d)   Discretionary Annual or Single Trip Permit for Emergency Response by a  
20          Commercial Vehicle. – The Department of Transportation may, in its discretion, issue  
21          an annual or single trip special use permit waiving the weight and size restrictions of  
22          this Chapter and implementing rules for a commercial overweight or oversize vehicle  
23          actively engaged in a response to a fire or a request for assistance from a person  
24          authorized to direct emergency operations. The Department of Transportation may  
25          condition the permit with safety measures that do not unreasonably delay a response.  
26          The Department of Transportation may issue the single trip special use permit upon  
27          verbal communication, provided the requestor submits appropriate documentation and  
28          fees on the next business day.

29          (e)   No Liability for Issuance of Permit Under This Section. – The action of  
30          issuing a permit by the Department of Transportation under this section is a  
31          governmental function and does not subject the Department of Transportation to  
32          liability for injury to a person or damage to property as a result of the activity."

33           **SECTION 2.** G.S. 20-119 reads as rewritten:

34           **"§ 20-119. Special permits for vehicles of excessive size or weight; fees.**

35           (a)   The Department of Transportation may, in its discretion, upon application, for  
36           good cause being shown therefor, issue a special permit in writing authorizing the  
37           applicant to operate or move a vehicle of a size or weight exceeding a maximum  
38           specified in this Article upon any highway under the jurisdiction and for the  
39           maintenance of which the body granting the permit is responsible. However, the  
40           Department is not authorized to issue any permit to operate or move over the State  
41           highways twin trailers, commonly referred to as double bottom trailers. Every such  
42           permit shall be carried in the vehicle to which it refers and shall be open to inspection  
43           by any peace officer. The authorities in any incorporated city or town may grant permits  
44           in writing and for good cause shown, authorizing the applicant to move a vehicle over

1 the streets of such city or town, the size or weight exceeding the maximum expressed in  
2 this Article. The Department of Transportation shall issue rules to implement this  
3 section.

4 (a1) Where permitted by the posted road and bridge limits, the Department may  
5 issue a single trip permit for a vehicle or vehicle combination responding to an  
6 emergency event that could result in severe damage, injury, or loss of life or property  
7 resulting from any natural or man-made emergency as determined by either the  
8 Secretary of Crime Control and Public Safety or the Secretary of Transportation or their  
9 designees. A permit issued under this subsection may allow for travel from a specific  
10 origin to destination and return 24 hours a day, seven days a week, including holidays.  
11 Permits issued under this subsection shall include a requirement for banners, flags, and  
12 other safety devices, as determined by the Department, and a requirement for a law  
13 enforcement escort or a vehicle being operated by a certified escort vehicle operator if  
14 traveling between sunset and sunrise. To obtain authorization to travel during restricted  
15 times, application shall be made with any required documentation to the proper officials  
16 as designated by the Department. If an emergency permit is issued under this  
17 subsection, the requestor shall contact the Department of Transportation's central permit  
18 office on the next business day to complete any further documentation and pay the  
19 applicable fees.

20 (b) Upon the issuance of a special permit for an oversize or overweight vehicle  
21 by the Department of Transportation in accordance with this section, the applicant shall  
22 pay to the Department for a single trip permit a fee of twelve dollars (\$12.00) for each  
23 dimension over lawful dimensions, including height, length, width, and weight up to  
24 132,000 pounds. For overweight vehicles, the applicant shall pay to the Department for  
25 a single trip permit in addition to the fee imposed by the previous sentence a fee of three  
26 dollars (\$3.00) per 1,000 pounds over 132,000 pounds.

27 Upon the issuance of an annual permit for a single vehicle, the applicant shall pay a  
28 fee in accordance with the following schedule:

Commodity:	Annual Fee:
Annual Permit to Move House Trailers	\$200.00
Annual Permit to Move Other Commodities	\$100.00

29 In addition to the fees set out in this subsection, applications for permits that require  
30 an engineering study for pavement or structures or other special conditions or  
31 considerations shall be accompanied by a nonrefundable application fee of one hundred  
32 dollars (\$100.00).

33 This subsection does not apply to farm equipment or machinery being used at the  
34 time for agricultural purposes, nor to the moving of a house as provided for by the  
35 license and permit requirements of Article 16 of this Chapter. Fees will not be assessed  
36 for permits for oversize and overweight vehicles issued to any agency of the United  
37 States Government or the State of North Carolina, its agencies, institutions,  
38 subdivisions, or municipalities if the vehicle is registered in the name of the agency.

39 (b1) Neither the Department nor the Board may require review or renewal of  
40 annual permits, with or without fee, more than once per calendar year.  
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1 (c) Nothing in this section shall require the Department of Transportation to issue  
2 any permit for any load.

3 (d) For each violation of any of the terms or conditions of a special permit issued  
4 or where a permit is required but not obtained under this section the Department of  
5 Crime Control and Public Safety may assess a civil penalty for each violation against  
6 the registered owner of the vehicle as follows:

7 (1) A fine of five hundred dollars (\$500.00) for any of the following:  
8 operating without the issuance of a permit, moving a load off the route  
9 specified in the permit, falsifying information to obtain a permit,  
10 failing to comply with dimension restrictions of a permit, or failing to  
11 comply with the number of properly certified escort vehicles required.

12 (2) A fine of two hundred fifty dollars (\$250.00) for moving loads beyond  
13 the distance allowances of an annual permit covering the movement of  
14 house trailers from the retailer's premises or for operating in violation  
15 of time of travel restrictions.

16 (3) A fine of one hundred dollars (\$100.00) for any other violation of the  
17 permit conditions or requirements imposed by applicable regulations.

18 The Department of Transportation may refuse to issue additional permits or suspend  
19 existing permits if there are repeated violations of subdivision (1) or (2) of this  
20 subsection. In addition to the penalties provided by this subsection, a civil penalty in  
21 accordance with G.S. 20-118(e)(1) and (3) may be assessed if a vehicle is operating  
22 without the issuance of a required permit, operating off permitted route of travel,  
23 operating without the proper number of certified escorts as determined by the actual  
24 loaded weight of the vehicle combination, fails to comply with travel restrictions of the  
25 permit, or operating with improper license. Fees assessed for permit violations under  
26 this subsection shall not exceed a maximum of twenty-five thousand dollars (\$25,000).

27 (e) It is the intent of the General Assembly that the permit fees provided in  
28 G.S. 20-119 shall be adjusted periodically to assure that the revenue generated by the  
29 fees is equal to the cost to the Department of administering the Oversize/Overweight  
30 Permit Unit Program within the Division of Highways. At least every two years, the  
31 Department shall review and compare the revenue generated by the permit fees and the  
32 cost of administering the program, and shall report to the Joint Legislative  
33 Transportation Oversight Committee created in G.S.120-70.50 its recommendations for  
34 adjustments to the permit fees to bring the revenues and the costs into alignment.

35 (f) The Department of Transportation shall issue rules to establish an escort  
36 driver training and certification program for escort vehicles accompanying  
37 oversize/overweight loads. Any driver operating a vehicle escorting an  
38 oversize/overweight load shall meet any training requirements and obtain certification  
39 under the rules issued pursuant to this subsection. These rules may provide for  
40 reciprocity with other states having similar escort certification programs. Certification  
41 credentials for the driver of an escort vehicle shall be carried in the vehicle and be  
42 readily available for inspection by law enforcement personnel. The escort and training  
43 certification requirements of this subsection shall not apply to the transportation of  
44 agricultural machinery until October 1, 2004. The Department of Transportation shall

1 develop and implement an in-house training program for agricultural machinery escorts  
2 by September 1, 2004.

3 (g) The Department of Transportation shall issue annual overwidth permits for  
4 vehicles carrying agricultural equipment or machinery from the dealer to the farm or  
5 from the farm to the dealer that do not exceed 14 feet in width. These permits shall be  
6 valid for unlimited movement without escorts on all State highways where the  
7 overwidth vehicles do not exceed posted bridge and load limits.

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

17 **SECTION 3.** This act is effective when it becomes law.