

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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SENATE DRS65021-MAF-421 (04/19)

Short Title: Highway Patrol Motor Carrier Fines and Fees.

(Public)

Sponsors: Senator Jenkins.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE CORRESPONDING CHANGES TO THE MOTOR VEHICLES LAWS TO COMPLY WITH FEDERAL MOTOR CARRIER ENFORCEMENT REGULATIONS AND MAINTAIN FEDERAL MOTOR CARRIER SAFETY ASSISTANCE PROGRAM FUNDING FOR THE STATE HIGHWAY PATROL'S MOTOR CARRIER SECTION, TO REQUIRE DECLARED REGISTRATION LICENSE WEIGHT TO BE FOR THE MAXIMUM WEIGHT FOR ALL VEHICLES THAT ARE PROVIDED EXEMPTIONS UNDER G.S. 20-118, AND TO MODIFY THE STATUTE OF LIMITATION FOR CIVIL SUITS RELATED TO UNCOLLECTED CIVIL FINES THAT HAVE BEEN ASSESSED AND REMAIN OWED TO THE STATE CIVIL FINES AND FORFEITURES FUND.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-4.01 reads as rewritten:

**"§ 20-4.01. Definitions.**

Unless the context requires otherwise, the following definitions apply throughout this Chapter to the defined words and phrases and their cognates:

...

(12b) Gross Vehicle Weight Rating (GVWR). – The value specified by the manufacturer as the maximum loaded weight a vehicle is capable of safely hauling. The GVWR of a combination vehicle is the GVWR of the power unit plus the GVWR of the towed unit or units. When a vehicle is determined by an enforcement officer to be structurally altered in any way from the manufacturer's original design in an attempt to increase the hauling capacity of the vehicle, the GVWR of that vehicle shall be deemed to be the greater of the license weight or the total weight of the vehicle or combination of vehicles for the purpose of enforcing this Chapter. For the purpose of classification of commercial drivers license and skills testing, the manufacturer's GVWR shall be used.

(12c) Gross Combination Weight Rating (GCWR). – Defined in 49 C.F.R. § 390.5.

(12d) Gross Vehicle Weight (GVW). – The total weight of a vehicle, including passengers, fuel, cargo, and attachments.

(12e) Gross Combined Weight (GCW). – The total weight of a combination (articulated) motor vehicle, including passengers, fuel, cargo, and attachments.



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1           ~~(12e)~~(12f) Hazardous Materials. – Any material that has been designated as  
2           hazardous under 49 U.S.C. § 5103 and is required to be placarded under  
3           Subpart F of Part 172 of Title 49 of the Code of Federal Regulations (~~1~~  
4           ~~October 2007 Edition~~), or any quantity of a material listed as a select agent  
5           or toxin under Part 73 of Title 42 of the Code of Federal Regulations (~~1~~  
6           ~~October 2007 Edition~~)-Regulations.  
7           ...."

8           **SECTION 2.** G.S. 20-96 is amended by adding a new subsection to read:

9           "(c) The authority of a law enforcement officer to seize a motor vehicle pursuant to  
10          subsection (a) of this section shall not be affected by the statutes of limitation set out in Chapter  
11          1 of the North Carolina General Statutes."

12          **SECTION 3.** G.S. 20-118(c) reads as rewritten:

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

14          ...  
15          (12) Subsections (b) and (e) of this section do not apply to a vehicle that meets all  
16          of the conditions set out below:  
17                  a. Is hauling agricultural crops from the farm where the crop is grown  
18                  to any market within 150 miles of that farm.  
19                  b. Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 13.  
20                  b1. Does not operate on an interstate highway or exceed any posted  
21                  bridge weight limits during transportation or hauling of agricultural  
22                  products.  
23                  c. Does not exceed a single-axle weight of 22,000 pounds, a  
24                  tandem-axle weight of 42,000 pounds, or a gross weight of 90,000  
25                  pounds.  
26                  d. Is registered pursuant to G.S. 20-88 for the maximum weight allowed  
27                  for the vehicle configuration as listed in subsection (b) of this  
28                  section.

29          ...  
30          (14) Subsections (b) and (e) of this section do not apply to a vehicle that meets all  
31          of the conditions below, but all other enforcement provisions of this Article  
32          remain applicable:  
33                  a. Is hauling aggregates from a distribution yard or a State-permitted  
34                  production site located within a North Carolina county contiguous to  
35                  the North Carolina State border to a destination in another state  
36                  adjacent to that county as verified by a weight ticket in the driver's  
37                  possession and available for inspection by enforcement personnel.  
38                  b. Does not operate on an interstate highway or exceed any posted  
39                  bridge weight limits.  
40                  c. Does not exceed 69,850 pounds gross vehicle weight and 53,850  
41                  pounds per axle grouping for tri-axle vehicles. For purposes of this  
42                  subsection, a tri-axle vehicle is a single power unit vehicle with a  
43                  three consecutive axle group on which the respective distance  
44                  between any two consecutive axles of the group, measured  
45                  longitudinally center to center to the nearest foot, does not exceed  
46                  eight feet. For purposes of this subsection, the tolerance provisions of  
47                  subsection (h) of this section do not apply, and vehicles must be  
48                  licensed in accordance with G.S. 20-88.  
49                  d. Repealed by Session Laws 2001-47, s. 10, effective December 16,  
50                  2001.

- 1                   e.     Is registered pursuant to G.S. 20-88 for the maximum weight allowed  
 2                             for the vehicle configuration as listed in subsection (b) of this  
 3                             section.
- 4           (15)   Subsections (b) and (e) of this section do not apply to a vehicle or vehicle  
 5                   combination that meets all of the conditions below, but all other enforcement  
 6                   provisions of this Article remain applicable:
- 7                   a.     Is hauling wood residuals, including wood chips, sawdust, mulch, or  
 8                             tree bark from any site; is hauling raw logs to first market; or is  
 9                             transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings  
 10                            from a site that does not have a certified scale for weighing the  
 11                            vehicle.
- 12                   b.     Does not operate on an interstate highway, a posted light-traffic road,  
 13                             except as provided by subdivision (c)(5) of this section, or exceed  
 14                             any posted bridge weight limits.
- 15                   c.     Does not exceed a maximum gross weight 4,000 pounds in excess of  
 16                             what is allowed in subsection (b) of this section.
- 17                   d.     Does not exceed a single-axle weight of more than 22,000 pounds  
 18                             and a tandem-axle weight of more than 42,000 pounds.
- 19                   e.     Is registered pursuant to G.S. 20-88 for the maximum weight allowed  
 20                             for the vehicle configuration as listed in subsection (b) of this  
 21                             section."

22                   **SECTION 4.** G.S. 20-196.4 reads as rewritten:

23                   "**§ 20-196.4. Oversized and hazardous shipment escort fee.**

24                   (a)    Every person, firm, corporation, or entity required by the North Carolina  
 25                   Department of Transportation or any federal agency or commission to have a law enforcement  
 26                   escort provided by the State Highway Patrol for the transport of any oversized load or  
 27                   hazardous shipment by road or rail shall pay to the Department of Crime Control and Public  
 28                   Safety a fee covering the full cost to administer, plan, and carry out the escort within this State.

29                   (b)    If the State Highway Patrol provides an escort to accompany the transport of  
 30                   oversized loads or hazardous shipments by road or rail at the request of any person, firm,  
 31                   corporation, or entity that is not required to have a law enforcement escort pursuant to  
 32                   subsection (a) of this section, then the requester shall pay to the Department of Crime Control  
 33                   and Public Safety a fee covering the full cost to administer, plan, and carry out the escort within  
 34                   this State.

35                   (c)    The Department of Crime Control and Public Safety shall comply with the  
 36                   provisions of G.S. 12-3.1(a)(2) when establishing fees to implement this section.

37                   (d)    All fees collected pursuant to this section shall be placed in a special Escort Fee  
 38                   Account and shall ~~remain unencumbered and unexpended until appropriated by the General~~  
 39                   ~~Assembly~~ be used to pay actual expenses for escorting vehicles when required by the  
 40                   Department of Transportation. If any fees remain unexpended, the State Highway Patrol may  
 41                   use those fees to pay for any vehicle or equipment maintenance that needs to be made before or  
 42                   after an escort occurs to ensure the visibility and safety of the trooper and the motoring public.

43                   ~~(e)    The Department shall report quarterly on the funds in the special account to the~~  
 44                   ~~Chairs of the Joint Legislative Transportation Oversight Committee, to the Chairs of the House~~  
 45                   ~~of Representatives Appropriations Subcommittee on Transportation and the Senate~~  
 46                   ~~Appropriations Subcommittee on Department of Transportation, and to the Chairs of the Senate~~  
 47                   ~~and House of Representatives Appropriations Subcommittees on Justice and Public Safety."~~

48                   **SECTION 5.** G.S. 20-376(5) reads as rewritten:

- 49                   "(5)    Intrastate motor carrier. – Any person, firm, or corporation that operates or  
 50                             controls a ~~commercial~~ motor vehicle ~~as defined in G.S. 20-4.01(3d) in~~  
 51                             ~~intrastate commeree~~ in intrastate commerce when the vehicle:

- 1                   a.     Is a vehicle having a gross vehicle weight rating (GVWR) or gross
- 2                             combination weight rating (GCWR) or gross vehicle weight (GVW)
- 3                             or gross combination weight (GCW) of 26,001 pounds or more,
- 4                             whichever is greater.
- 5                   b.     Is designed or used to transport 16 or more passengers, including the
- 6                             driver.
- 7                   c.     Is used in transporting a hazardous material in a quantity requiring
- 8                             placarding pursuant to 49 C.F.R. Parts 170 through 185."

9     **SECTION 6.** G.S. 1-52 is amended by adding a new subdivision to read:  
10     "(20) Upon a liability for a civil penalty, civil assessment, or civil fine imposed  
11                   pursuant to Chapter 20 of the General Statutes."

12     **SECTION 7.** This act becomes effective July 1, 2010.