

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2002-152
HOUSE BILL 1519**

AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO REFUSE TO ISSUE A CERTIFICATE OF TITLE FOR, AND TO REFUSE OR CANCEL THE REGISTRATION OF, A MOTOR VEHICLE OWNED BY A MOTOR CARRIER THAT IS DETERMINED TO BE AN IMMINENT HAZARD; TO CLARIFY THE DEFINITION OF INTERSTATE AND INTRASTATE MOTOR CARRIER; TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO DETERMINE THE SAFETY FITNESS OF INTRASTATE MOTOR CARRIERS; AND TO AUTHORIZE THE DIVISION OF MOTOR VEHICLES TO PROHIBIT THE INTRASTATE OPERATIONS OF A MOTOR CARRIER THAT IS DETERMINED TO BE AN IMMINENT HAZARD.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-54 is amended by adding a new subdivision to read:

"§ 20-54. Authority for refusing registration or certificate of title.

The Division shall refuse registration or issuance of a certificate of title or any transfer of registration upon any of the following grounds:

(9) The applicant motor carrier is subject to an order issued by the Federal Motor Carrier Safety Administration or the Division to cease all operations based on a finding that the continued operations of the motor carrier pose an 'imminent hazard' as defined in 49 C.F.R. § 386.72(b)(1)."

SECTION 2. G.S. 20-110 is amended by adding a new subsection to read:

"(m) The Division shall rescind and cancel the registration of vehicles of a motor carrier that is subject to an order issued by the Federal Motor Carrier Safety Administration or the Division to cease all operations based on a finding that the continued operations of the motor carrier pose an 'imminent hazard' as defined in 49 C.F.R. § 386.72(b)(1)."

SECTION 3. G.S. 20-376 reads as rewritten:

"§ 20-376. Definitions.

The following definitions apply in this Article:

- (1) Federal safety and hazardous materials regulations. – The federal motor carrier safety regulations contained in 49 C.F.R. Parts 171 through 180, 382, and 390 through 398.
- (2) Foreign commerce. – Commerce between any of the following:
 - a. A place in the United States and a place in a foreign country.
 - b. Places in the United States through any foreign country.
- (3) Interstate commerce. – As defined in 49 C.F.R. Part 390.5.
- (3a) Interstate motor carrier. – Any person, firm, or corporation that operates or controls a commercial motor vehicle as defined in 49 C.F.R. § 390.5 in interstate commerce.
- (4) Intrastate commerce. – As defined in 49 C.F.R. Part 390.5.
- (5) Intrastate motor carrier. – Any person, firm, or corporation that operates or controls a commercial motor vehicle as defined in G.S. 20-4.01(3d) in intrastate commerce."

read: **SECTION 4.** G.S. 20-381(a) is amended by adding a new subdivision to

"(4) To determine the safety fitness of intrastate motor carriers, to assign safety ratings to intrastate motor carriers as defined in 49 C.F.R. §385.3, to direct intrastate motor carriers to take remedial action when required, to prohibit the operation of intrastate motor carriers rated unsatisfactory, to determine whether the continued operations of intrastate motor carriers pose an 'imminent hazard' as defined in 49 C.F.R. § 386.72(b)(1), and to prohibit the operation of an intrastate motor carrier found to be an 'imminent hazard' as defined in 49 C.F.R. § 386.72(b)(1)."

read: **SECTION 5.** G.S. 20-381(a) is amended by adding a new subdivision to

"(5) To prohibit the intrastate operation of a motor carrier subject to an order issued by the Federal Motor Carrier Safety Administration to cease all operations based on a finding that the continued operations of the motor carrier pose an 'imminent hazard' as defined in 49 C.F.R. § 386.72(b)(1)."

this act. **SECTION 6.** The Division shall adopt rules to implement the provisions of

SECTION 7. This act becomes effective December 1, 2002.

In the General Assembly read three times and ratified this the 25th day of September, 2002.

s/ Frank W. Ballance, Jr.
Deputy President Pro Tempore of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 2:33 p.m. this 9th day of October, 2002