

GENERAL ASSEMBLY OF NORTH CAROLINA
1997 SESSION

SESSION LAW 1997-466
HOUSE BILL 1096

AN ACT TO ADJUST CERTAIN STATUTES AFFECTING THE TRUCKING INDUSTRY TO ENCOURAGE THE GROWTH OF THAT INDUSTRY THROUGH INCREASED TRUCK REGISTRATIONS IN THIS STATE; TO PROVIDE CONSUMER PROTECTION PROVISIONS; AND TO PROVIDE FOR A STUDY OF CERTAIN TRUCKING-RELATED PROVISIONS BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-88 is amended by adding a new subsection to read:

"(1) The Division shall issue permanent truck and truck-tractor plates to Class A and Class B Motor Vehicles and shall include the word 'permanent' on the plate. The permanent registration plates issued pursuant to this section shall be subject to annual registration fees set in this section. The Division shall issue the necessary rules providing for the recall, transfer, exchange, or cancellation of permanent plates issued pursuant to this section."

Section 2. G.S. 20-118(c)(5) reads as rewritten:

- "(5) The light-traffic road limitations provided for pursuant to subdivision (b)(4) of this section do not apply to a vehicle while that vehicle is transporting only the following from its point of origin on a light-traffic road to the nearest highway that is not a light-traffic road:
- a. Processed or unprocessed seafood transported from boats or any other point of origin to a processing plant or a point of further distribution.
 - b. Meats or agricultural crop products ~~originating~~ transported from a farm to first market.
 - c. ~~Unprocessed forest~~ Forest products originating and transported from a farm or from woodlands to first ~~market~~ market without interruption or delay for further packaging or processing after initiating transport.
 - d. Livestock or poultry transported from their point of origin to first market.
 - e. Livestock by-products or poultry by-products transported from their point of origin to a rendering plant.

- f. Recyclable material transported from its point of origin to a scrap-processing facility for processing. As used in this subpart, the terms 'recyclable' and 'processing' have the same meaning as in G.S. 130A-290(a).
- g. Garbage collected by the vehicle from residences or garbage dumpsters if the vehicle is fully enclosed and is designed specifically for collecting, compacting, and hauling garbage from residences or from garbage dumpsters. As used in this subpart, the term 'garbage' does not include hazardous waste as defined in G.S. 130A-290(a), spent nuclear fuel regulated under G.S. 20-167.1, low-level radioactive waste as defined in G.S. 104E-5, or radioactive material as defined in G.S. 104E-5.
- h. Treated sludge collected from a wastewater treatment facility."

Section 3. G.S. 20-382.2 reads as rewritten:

"§ 20-382.2. Penalty for failure to comply with registration or insurance verification requirements.

(a) Acts. -- A motor carrier who does any of the following is subject to a civil penalty of ~~seventy five dollars (\$75.00)~~: one thousand dollars (\$1,000):

- (1) Operates a for-hire motor vehicle in this State without registering its operations, as required by this Part.
- (2) Operates a for-hire motor vehicle in interstate commerce in this State that does not carry a copy of either an insurance registration receipt issued to the motor carrier or a cab card with an identification stamp issued for the vehicle, as required by G.S. 20-382.
- (3) Operates a for-hire motor vehicle in intrastate commerce in this State for which it has not verified it has insurance, as required by G.S. 20-382.1.

(b) Payment. -- When the Division finds that a for-hire motor vehicle is operated in this State in violation of the registration and insurance verification requirements of this Part, the motor vehicle may not be driven for a purpose other than to park the motor vehicle until the penalty imposed under this section is paid unless the officer that imposes the penalty determines that operation of the motor vehicle will not jeopardize collection of the penalty. A motor carrier that denies liability for a penalty imposed under this section may pay the penalty under protest and apply to the Division for a hearing.

(c) Hearing. -- Upon receiving a request for a hearing, the Commissioner ~~must~~ shall schedule a hearing within 30 days after receipt of the request. If after the hearing the Commissioner determines that the motor carrier was not liable for the penalty, the amount collected ~~must~~ shall be refunded. If after the hearing the Commissioner determines that the motor carrier was liable for the penalty, the motor carrier may bring an action in the Superior Court of Wake County against the Division for refund of the penalty. A court of this State may not issue a restraining order or an injunction to

restrain or enjoin the collection of the penalty or to permit the operation of the vehicle without payment of the penalty.

(d) Proceeds. -- A penalty imposed under this section is payable to the Division. Penalties collected under this section shall be credited to the Highway Fund as nontax revenue."

Section 4. The Division of Motor Vehicles shall study the feasibility of establishing a staggered registration system for commercial motor vehicles under the International Registration Plan (IRP). The registration plan shall be coordinated with other states which currently stagger IRP registrations to eliminate, insofar as possible, multiple application dates for the same carrier. The registration plan shall provide for a smooth transition to the staggered system providing for credits and partial fees, as needed. The Division shall report the results of this study along with any legislation to implement the staggered registration system to the Joint Legislative Transportation Oversight Committee and the Fiscal Research Division by April 1, 1998.

Section 5. The Joint Legislative Transportation Oversight Committee and the Revenue Laws Study Committee shall study the following issues encouraging the growth of the trucking industry in North Carolina through increased truck registrations:

- (1) The feasibility of removing the highway use tax on vehicles with a gross weight rating of more than 26,000 pounds;
- (2) The replacement of the revenue from the removal of the highway use tax studied in subdivision (1) of this section by an increase in registration fees for the same vehicles by ten cents (10¢) per one hundred pounds of registered weight; and
- (3) Eliminate the stacking of overweight penalties by restricting the penalties so that they do not exceed the highest axle-group weight that exceeds the allowable limits rather than assessing separate penalties for each axle-group and stacking those penalties for the same weight violations.

The Joint Legislative Transportation Oversight Committee and the Revenue Laws Study Committee may make an interim report of the study authorized by this section to the 1998 Session of the General Assembly and shall make a final report to the 1999 Session of the General Assembly.

Section 6. Sections 4 and 5 of this act are effective when this act becomes law. Sections 2 and 3 of this act become effective October 1, 1997. Section 1 of this act becomes effective January 1, 1999.

In the General Assembly read three times and ratified this the 21st day of August, 1997.

s/ Marc Basnight
President Pro Tempore of the Senate

s/ Harold J. Brubaker
Speaker of the House of Representatives

s/ James B. Hunt, Jr.
Governor

Approved 4:15 p.m. this 1st day of September, 1997