

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1285\*

Agriculture/Environment/Natural Resources Committee Substitute Adopted 8/18/98

House Committee Substitute Favorable 9/23/98

Short Title: Trans. Ag. Products Exempt/Temp. Rule Auth.

(Public)

Sponsors:

Referred to:

May 27, 1998

A BILL TO BE ENTITLED

AN ACT TO EXEMPT THE TRANSPORTATION OF CERTAIN AGRICULTURAL PRODUCTS FROM VARIOUS REQUIREMENTS IN CONFORMITY WITH FEDERAL REGULATIONS AND TO AUTHORIZE THE SOIL AND WATER CONSERVATION COMMISSION TO ADOPT TEMPORARY RULES TO IMPLEMENT THE CONSERVATION RESERVE ENHANCEMENT PROGRAM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-381 reads as rewritten:

"§ 20-381. Specific powers and duties of Division applicable to motor carriers. carriers; agricultural exemption.

(a) The Division has the following powers and duties concerning motor carriers:

(1) To prescribe qualifications and maximum hours of service of drivers and their helpers.

(1a) To set safety standards for vehicles of motor carriers engaged in foreign, interstate, or intrastate commerce over the highways of this State and for the safe operation of these vehicles. The Division may stop, enter upon, and perform inspections of motor carriers' vehicles in operation to determine compliance with these standards and may conduct any

1 investigations and tests it finds necessary to promote the safety of  
2 equipment and the safe operation on the highway of these vehicles.

3 (1b) To enforce this Article, rules adopted under this Article, and the federal  
4 safety regulations.

5 (2) To enter the premises of a motor carrier to inspect a motor vehicle or  
6 any equipment used by the motor carrier in transporting passengers [or  
7 property].

8 (2a) To prohibit the use by a motor carrier of any motor vehicle or motor  
9 vehicle equipment the Division finds unsafe for use in the transportation  
10 of passengers or property on a highway. If an agent of the Division finds  
11 a motor vehicle of a motor carrier in actual use upon the highways in the  
12 transportation of passengers or property to be unsafe or any parts thereof  
13 or any equipment thereon to be unsafe and is of the opinion that further  
14 use of such vehicle, parts or equipment are imminently dangerous, the  
15 agent may require the operator thereof to discontinue its use and to  
16 substitute therefor a safe vehicle, parts or equipment at the earliest  
17 possible time and place, having regard for both the convenience and the  
18 safety of the passengers or property. When an inspector or agent stops a  
19 motor vehicle on the highway, under authority of this section, and the  
20 motor vehicle is in operative condition and its further movement is not  
21 dangerous to the passengers or property or to the users of the highways,  
22 it shall be the duty of the inspector or agent to guide the vehicle to the  
23 nearest point of substitution or correction of the defect. Such agents or  
24 inspectors shall also have the right to stop any motor vehicle which is  
25 being used upon the public highways for the transportation of  
26 passengers or property by a motor carrier subject to the provisions of  
27 this Article and to eject therefrom any driver or operator who shall be  
28 operating or be in charge of such motor vehicle while under the  
29 influence of alcoholic beverages. It shall be the duty of all inspectors  
30 and agents of the Division to make a written report, upon a form  
31 prescribed by the Division, of inspections of all motor equipment and a  
32 copy of each such written report, disclosing defects in such equipment,  
33 shall be served promptly upon the motor carrier operating the same,  
34 either in person by the inspector or agent or by mail. Such agents and  
35 inspectors shall also make and serve a similar written report in cases  
36 where a motor vehicle is operated in violation of this Chapter or, if the  
37 motor vehicle is subject to regulation by the North Carolina Utilities  
38 Commission, of Chapter 62 of the General Statutes.

39 (3) To relieve the highways of all undue burdens and safeguard traffic  
40 thereon by adopting and enforcing rules and orders designed and  
41 calculated to minimize the dangers attending transportation on the  
42 highways of all hazardous materials and other commodities.

1       (b)     The definitions set out in 49 Code of Federal Regulations § 171.8 apply to this  
2 subsection. Citations to the Code of Federal Regulations (CFR) in this subsection refer to  
3 the 1 October 1997 Edition of the CFR. The transportation of an agricultural product,  
4 other than a Class 2 material, over local roads between fields of the same farm by a  
5 farmer operating as an intrastate private motor carrier is exempt from the requirements of  
6 Parts 171 through 180 of 49 CFR as provided in 49 CFR § 173.5(a). The transportation  
7 of an agricultural product to or from a farm within 150 miles of the farm by a farmer  
8 operating as an intrastate private motor carrier is exempt from the requirements of  
9 Subparts G and H of Part 172 of 49 CFR as provided in 49 CFR § 173.5(b)."

10           Section 2. Notwithstanding G.S. 150B-21.1(a)(2) and 26 NCAC 2C.0102(11),  
11 the Soil and Water Conservation Commission may adopt temporary rules to implement  
12 the Conservation Reserve Enhancement Program until all rules necessary to implement  
13 the Conservation Reserve Enhancement Program become effective as either temporary  
14 rules or permanent rules.

15           Section 3. This act is effective when it becomes law.