

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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HOUSE BILL 1519  
Committee Substitute Favorable 7/23/02

Short Title: Motor Carrier Safety Amendments.

(Public)

Sponsors:

Referred to:

June 5, 2002

A BILL TO BE ENTITLED

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:

1 **"§ 20-376. Definitions.**

2 The following definitions apply in this Article:

- 3 (1) Federal safety and hazardous materials regulations. – The federal  
4 motor carrier safety regulations contained in 49 C.F.R. Parts 171  
5 through 180, 382, and 390 through 398.  
6 (2) Foreign commerce. – Commerce between any of the following:  
7 a. A place in the United States and a place in a foreign country.  
8 b. Places in the United States through any foreign country.  
9 (3) Interstate commerce. – As defined in 49 C.F.R. Part 390.5.  
10 (3a) Interstate motor carrier. – Any person, firm, or corporation that  
11 operates or controls a commercial motor vehicle as defined in 49  
12 C.F.R. § 390.5 in interstate commerce.  
13 (4) Intrastate commerce. – As defined in 49 C.F.R. Part 390.5.  
14 (5) Intrastate motor carrier. – Any person, firm, or corporation that  
15 operates or controls a commercial motor vehicle as defined in  
16 G.S. 20-4.01(3d) in intrastate commerce."

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

19 "(4) To determine the safety fitness of intrastate motor carriers, to assign  
20 safety ratings to intrastate motor carriers as defined in 49 C.F.R.  
21 §385.3, to direct intrastate motor carriers to take remedial action when  
22 required, to prohibit the operation of intrastate motor carriers rated  
23 unsatisfactory, to determine whether the continued operations of  
24 intrastate motor carriers pose an 'imminent hazard' as defined in 49  
25 C.F.R. § 386.72(b)(1), and to prohibit the operation of an intrastate  
26 motor carrier found to be an 'imminent hazard' as defined in 49 C.F.R.  
27 § 386.72(b)(1)."

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

30 "(5) To prohibit the intrastate operation of a motor carrier subject to an  
31 order issued by the Federal Motor Carrier Safety Administration to  
32 cease all operations based on a finding that the continued operations of  
33 the motor carrier pose an 'imminent hazard' as defined in 49 C.F.R.  
34 § 386.72(b)(1)."

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

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