

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**SENATE BILL 600
Transportation Committee Substitute Adopted 4/23/01**

Short Title: MV Technical Changes.

(Public)

Sponsors:

Referred to:

March 22, 2001

1 A BILL TO BE ENTITLED
2 AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE
3 MOTOR VEHICLE STATUTES.

4 The General Assembly of North Carolina enacts:

5 **SECTION 1.** G.S. 20-4.01(12a) reads as rewritten:

6 "(12a) Gross Vehicle Weight Rating (GVWR). – The value specified by the
7 manufacturer as the maximum loaded weight ~~of a vehicle. a vehicle is~~
8 capable of safely hauling. The GVWR of a combination vehicle is the
9 GVWR of the power unit plus the GVWR of the towed unit or units.
10 When a vehicle is determined by an enforcement officer to be
11 structurally altered in any way from the manufacturer's original design,
12 design in an attempt to increase the hauling capacity of the vehicle, the
13 GVWR of that vehicle will then be determined by the license weight
14 or the total weight of the vehicle or combination of vehicles ~~may be~~
15 ~~deemed as the GVWR~~ for the purpose of enforcing this Chapter."

16 **SECTION 2.** G.S. 20-30(6) reads as rewritten:

17 "(6) ~~To photostat or otherwise reproduce a driver's license or learner's~~
18 ~~permit or to possess a driver's license or learner's permit which has~~
19 ~~been photostated or otherwise reproduced, unless such photostat or~~
20 ~~other reproduction was authorized by the Commissioner.~~To make a
21 color photocopy or otherwise make a color reproduction of a drivers
22 license, learner's permit, or special identification card which has been
23 color-photocopied or otherwise reproduced in color, unless such color
24 photocopy or other color reproduction was authorized by the
25 Commissioner. It shall be lawful to make a black and white photocopy
26 of a drivers license, learner's permit, or special identification card or
27 otherwise make a black and white reproduction of a drivers license,
28 learner's permit, or special identification card."

29 **SECTION 3.** G.S. 20-63(b) reads as rewritten:

1 "(b) Every license plate shall have displayed upon it the registration number
2 assigned to the vehicle for which it is issued, the name of the State of North Carolina,
3 which may be abbreviated, and the year number for which it is issued or the date of
4 expiration. A plate issued for a commercial vehicle, as defined in G.S. 20-4.2(1), and
5 weighing 26,001 pounds or more, must bear the word "commercial," unless the plate is
6 a special registration plate authorized in G.S. 20-79.4 or the commercial vehicle is a
7 trailer or is licensed for 6,000 pounds or less. The plate issued for vehicles licensed for
8 7,000 pounds through 26,000 pounds must bear the word "weighted".

9 A registration plate issued by the Division for a private passenger vehicle or for a
10 private hauler vehicle licensed for 6,000 pounds or less, other than a Friends of the
11 Great Smoky Mountains National Park special registration plate, shall be a "First in
12 Flight" plate. A "First in Flight" plate shall have the words "First in Flight" printed at
13 the top of the plate above all other letters and numerals. The background of the plate
14 shall depict the Wright Brothers biplane flying over Kitty Hawk Beach, with the plane
15 flying slightly upward and to the right."

16 **SECTION 4.** G.S. 20-101 reads as rewritten:

17 "**§ 20-101. Certain business vehicles to be marked.**

18 A motor vehicle that is subject to 49 C.F.R. Part 390, the federal motor carrier safety
19 regulations, shall be marked as required by that Part.

20 A motor vehicle that is not subject to those regulations, has a gross vehicle weight
21 rating of more than 10,000 pounds, but less than 26,001 pounds, and is used in intrastate
22 commerce, and is not a farm vehicle, as further described in G.S. 20-118 (c)(4), (c)(5),
23 or (c)(12), shall have the name of the owner printed on the side of the vehicle in letters
24 not less than three inches in height.

25 A motor vehicle that is subject to regulation by the North Carolina Utilities
26 Commission shall be marked as required by that Commission and as otherwise required
27 by this section."

28 **SECTION 5.** G.S. 20-116(g) reads as rewritten:

29 "(g) No vehicle shall be driven or moved on any highway unless such vehicle is so
30 constructed or loaded as to prevent any of its load from blowing, dropping, sifting,
31 leaking, or otherwise escaping therefrom, except that sand may be dropped for the
32 purpose of securing traction, or water or other substance may be ~~sprinkled~~ sprinkled,
33 dumped, or spread on a roadway in cleaning or maintaining such roadway.

34 Trucks, trailers or other vehicles when loaded with rock, gravel, ~~stone~~ stone, sand or
35 other similar substances which could blow, leak, sift or drop shall not be driven or
36 moved on any highway unless the height of the load against all four walls does not
37 extend above a horizontal line six inches below their tops when loaded at the loading
38 point, ~~or if not so loaded, unless and~~ the load shall be securely covered by tarpaulin or
39 some other suitable covering, or unless it is otherwise and the truck tailgate is
40 constructed so as to prevent any of its load from dropping, sifting, leaking, blowing, or
41 otherwise escaping therefrom.

1 Provided this section shall not be applicable to or in any manner restrict the
2 transportation of seed cotton, of poultry or livestock or silage or other feed grain used in
3 the feeding of poultry or livestock."

4 **SECTION 6.** G.S. 20-118(c)(14) reads as rewritten:

5 "(14) Subsections (b) and (e) of this section do not apply to a vehicle that
6 meets all of the following conditions:

- 7 a. Is hauling aggregates from a distribution yard or a
8 State-permitted production site within a North Carolina county
9 contiguous to the North Carolina State border to a destination in
10 ~~an adjacent state~~ another state adjacent to that county as verified
11 by a weight ticket in the driver's possession and available for
12 inspection by enforcement personnel.
- 13 b. Does not operate on an interstate highway or posted bridge.
- 14 c. Does not exceed 69,850 pounds gross vehicle weight and
15 53,850 pounds per axle grouping for tri-axle vehicles. For
16 purposes of this subsection, a tri-axle vehicle is a single power
17 unit vehicle with a three consecutive axle group on which the
18 respective distance between any two consecutive axles of the
19 group, measured longitudinally center to center to the nearest
20 foot, does not exceed eight feet. For purposes of this subsection,
21 the tolerance provisions of subsection (h) of this section do not
22 apply. ~~apply~~ and vehicles must be licensed in accordance with
23 G.S. 20-88.
- 24 d. All other enforcement provisions of this Article remain
25 applicable."

26 **SECTION 7.** G.S. 20-118.1 reads as rewritten:

27 **"§ 20-118.1. Officers may weigh vehicles and require overloads to be removed.**

28 A law enforcement officer may stop and weigh a vehicle to determine if the vehicle's
29 weight is in compliance with the vehicle's declared gross weight and the weight limits
30 set in this Part. The officer may require the driver of the vehicle to drive to a scale
31 located within five miles of where the officer stopped the vehicle.

32 Any person operating a truck must enter a permanent weigh station or temporary
33 inspection or weigh site as directed by duly erected signs or an electronic transponder
34 for the purpose of being electronically screened for compliance, or weighed, or
35 inspected.

36 If the vehicle's weight exceeds the amount allowable, the officer may detain the
37 vehicle until the overload has been removed. Any property removed from a vehicle
38 because the vehicle was overloaded is the responsibility of the owner or operator of the
39 vehicle. The State is not liable for damage to or loss of the removed property.

40 Failure to permit a vehicle to be weighed or to remove an overload is a misdemeanor
41 of the Class set in G.S. 20-176. An officer must weigh a vehicle with a scale that has
42 been approved by the Department of Agriculture and Consumer Services."

1 **SECTION 8.** G.S. 20-142.3 reads as rewritten:

2 "**§ 20-142.3. Certain vehicles must stop at railroad grade crossing; placarding**
3 **~~certain vehicles.~~crossing.**

4 (a) Before crossing at grade any track or tracks of a railroad, the driver of any
5 school bus, any activity bus, any motor vehicle carrying passengers for compensation,
6 any property-hauling motor vehicle ~~over 10,000 pounds which is carrying hazardous~~
7 materials, any commercial motor vehicle that the driver is required to possess a
8 commercial drivers license to operate and any motor vehicle with a capacity of 16 or
9 more persons shall stop the vehicle within 50 feet but not less than 15 feet from the
10 nearest rail of the railroad. While stopped, the driver shall listen and look in both
11 directions along the track for any approaching train and shall not proceed until ~~he~~the
12 driver can do so safely. Upon proceeding, the driver of the vehicle shall cross the track
13 in a gear that allows the driver to cross the track without changing gears and the driver
14 shall not change gears while crossing the track or tracks.

15 (b) Except for school buses and activity buses, the provisions of this section shall
16 not require the driver of a vehicle to stop:

- 17 (1) At railroad tracks used exclusively for industrial switching purposes
18 within a business district.
- 19 (2) At a railroad grade crossing which a police officer or crossing flagman
20 directs traffic to proceed.
- 21 (3) At a railroad grade crossing protected by a gate or flashing signal
22 designed to stop traffic upon the approach of a train, when the gate or
23 flashing signal does not indicate the approach of a train.
- 24 (4) At an abandoned railroad grade crossing which is marked with a sign
25 indicating that the rail line is abandoned.
- 26 (5) At an industrial or spur line railroad grade crossing marked with a sign
27 reading "Exempt" erected by or with the consent of the appropriate
28 State or local authority.

29 (c) ~~It shall be unlawful to transport by motor vehicle upon the highways of this~~
30 ~~State any hazardous material without conspicuously marking or placarding the motor~~
31 ~~vehicle on each side and on the rear with the word "DANGEROUS" or the common or~~
32 ~~generic name of the article transported or its principal hazard. Additionally, the rear of~~
33 ~~any such vehicle shall be conspicuously marked with the words "THIS VEHICLE~~
34 ~~STOPS AT RAILROAD CROSSINGS" or "WE STOP AT RR CROSSINGS."~~ A
35 person violating the provisions of this ~~subsection~~section shall be guilty of an infraction
36 and punished in accordance with G.S. 20-176. Violation of this section shall not
37 constitute negligence per se.

38 (d) "Hazardous materials," for purposes of this section only, means any
39 hazardous material required to be placarded under 49 C.F.R. § 171-180.

40 (e) ~~The provisions of this section shall not apply to vehicles subject to Federal~~
41 ~~Motor Carrier Safety rules adopted by the Division of Motor Vehicles."~~

1 **SECTION 9.** Section 3 of this act becomes effective January 1, 2003. The
2 remainder of this act becomes effective December 1, 2001, and applies to offenses
3 occurring on or after that date.