

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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SENATE BILL 749

Short Title: Modify Weight Limits for Farm Operations. (Public)

Sponsors: Senators Rabon, Tucker, Rouzer; Apodaca, Davis, Goolsby, Hise, Jackson, Jenkins, and Pate.

Referred to: Transportation.

April 20, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR INCREASED TRANSPORTATION EFFICIENCY FOR BRINGING AGRICULTURAL PRODUCTS TO A MARKETPLACE BY MODIFYING THE TYPES OF ITEMS THAT MAY BE TRANSPORTED BY A FARMER WITHOUT HAVING TO PAY A REGISTRATION FEE FOR A TRAILER OR SEMITRAILER; TO MODIFY THE REGISTRATION REQUIREMENTS FOR PROPERTY HAULING VEHICLES TO ENSURE THEY ARE REGISTERED FOR THE MAXIMUM WEIGHT ALLOWABLE FOR THE VEHICLE BEING OPERATED; AND TO MODIFY THE EXCEPTIONS TO THE MAXIMUM WEIGHT ALLOWED ON LIGHT ROADS FOR A PERSON TRANSPORTING AGRICULTURAL PRODUCTS AND RESIDUALS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-51(6) reads as rewritten:

"(6) Any trailer or semitrailer attached to and drawn by a properly licensed motor vehicle when used by a farmer, his tenant, agent, or employee in transporting unginning cotton, peanuts, soybeans, corn, hay, tobacco, silage, cucumbers, potatoes, all vegetables, fruits, greenhouse and nursery plants and flowers, Christmas trees, livestock, live poultry, animal waste, herbicides, fungicides, seeds, fertilizers or chemicals purchased or owned by the farmer or tenant for personal use in implementing husbandry, irrigation pipes, loaders, or equipment owned by the farmer or tenant from place to place on the same farm, from one farm to another, from farm to gin, from farm to dryer, or from farm to market, and when not operated on a for-hire basis. The term "transporting" as used herein shall include the actual hauling of said products and all unloaded travel in connection therewith."

SECTION 2. G.S. 20-88 is amended by adding a new subsection to read:

"(m) Any vehicle weighing greater than the limits found in G.S. 20-118(b), as authorized by G.S. 20-118(c)(12), (c)(14), and (c)(15), must be registered for the maximum weight allowed for the vehicle configuration as listed in G.S. 20-118(b). A vehicle driven in violation of this subsection is subject to the axle group penalties set in G.S. 20-118(e). The penalties apply to the amount by which the vehicle's maximum gross weight as listed in G.S. 20-118(b) exceeds its declared weight."

SECTION 3. G.S. 20-118(c) reads as rewritten:

"(c) Exceptions. – The following exceptions apply to G.S. 20-118(b) and 20-118(e).

...

(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 either one of the two nearest highways that is not a light-traffic road. If that vehicle's point of origin is a non-light-traffic road and that road is blocked by light-traffic roads from all directions and is not contiguous with other non-light-traffic roads, then the road at point of origin is treated as a light-traffic road for purposes of this subdivision:

- 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~~ Meats, live poultry, or agricultural crop products transported from a farm to a processing plant or first-market.
- c. Forest products originating and transported from a farm or from woodlands to ~~first~~ market without interruption or delay for further packaging or processing after initiating transport.
- d. Livestock or live poultry transported from their point of origin to a processing plant or ~~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 material" 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.
- i. Apples when transported from the orchard to the first processing or packing point.
- j. Trees grown as Christmas trees from the field, farm, stand, or grove to ~~first~~ a processing point.
- k. Water, fertilizer, herbicides, fungicides, seeds, fuel, and animal waste transported to or from a farm by a farm vehicle as defined in G.S. 20-37.16(e)(3).

...
 (12) Subsections (b) and (e) of this section do not apply to a vehicle that meets all of the conditions set out below:

- a. ~~Is hauling agricultural crops from the farm where the crop is grown to any market~~ transporting an item listed in sub-subdivisions(c)(5)b., d., i., j., or k. within 150 miles of that the farm.
- b. Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 13.
- b1. Does not operate on an interstate highway or exceed any posted bridge weight limits during transportation or hauling of agricultural products.
- c. Does not exceed a single-axle weight of ~~22,000~~ 26,000 pounds, a tandem-axle weight of ~~42,000~~ 44,000 pounds, or a gross weight of 90,000 pounds.

1 d. ~~Is registered pursuant to G.S. 20-88 for the maximum weight allowed~~
 2 ~~for the vehicle configuration as listed in subsection (b) of this~~
 3 ~~section.~~

4 ...

5 (14) Subsections (b) and (e) of this section do not apply to a vehicle that meets all
 6 of the conditions below, but all other enforcement provisions of this Article
 7 remain applicable:

8 a. Is hauling aggregates from a distribution yard or a State-permitted
 9 production site located within a North Carolina county contiguous to
 10 the North Carolina State border to a destination in another state
 11 adjacent to that county as verified by a weight ticket in the driver's
 12 possession and available for inspection by enforcement personnel.

13 b. Does not operate on an interstate highway or exceed any posted
 14 bridge weight limits.

15 c. Does not exceed 69,850 pounds gross vehicle weight and 53,850
 16 pounds per axle grouping for tri-axle vehicles. For purposes of this
 17 subsection, a tri-axle vehicle is a single power unit vehicle with a
 18 three consecutive axle group on which the respective distance
 19 between any two consecutive axles of the group, measured
 20 longitudinally center to center to the nearest foot, does not exceed
 21 eight feet. For purposes of this subsection, the tolerance provisions of
 22 subsection (h) of this section do not apply, and vehicles must be
 23 licensed in accordance with G.S. 20-88.

24 d. Repealed by Session Laws 2001-487, s. 10, effective December 16,
 25 2001.

26 e. ~~Is registered pursuant to G.S. 20-88 for the maximum weight allowed~~
 27 ~~for the vehicle configuration as listed in subsection (b) of this~~
 28 ~~section.~~

29 (15) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle
 30 combination that meets all of the conditions below, but all other enforcement
 31 provisions of this Article remain applicable:

32 a. Is hauling wood residuals, including wood chips, sawdust, mulch, or
 33 tree bark from any site; is hauling raw logs to first market; is
 34 transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings
 35 from a site that does not have a certified scale for weighing the
 36 vehicle; or is hauling animal waste products from the animal waste
 37 storage site to a farm or field.

38 b. Does not operate on an interstate highway, a posted light-traffic road,
 39 except as provided by subdivision (c)(5) of this section, or exceed
 40 any posted bridge weight limits.

41 c. Does not exceed a maximum gross weight 4,000 pounds in excess of
 42 what is allowed in subsection (b) of this section.

43 d. Does not exceed a single-axle weight of more than ~~22,000~~26,000
 44 pounds and a tandem-axle weight of more than ~~42,000~~44,000
 45 pounds.

46 e. ~~Is registered pursuant to G.S. 20-88 for the maximum weight allowed~~
 47 ~~for the vehicle configuration as listed in subsection (b) of this~~
 48 ~~section."~~

49 **SECTION 3.** This act becomes effective October 1, 2011, and applies to offenses
 50 committed on or after that date.