

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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SENATE BILL 1285*

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

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. 20-377 reads as rewritten:

"§ 20-377. General powers of ~~Division~~ Division; agricultural exemption.

(a) The Division shall have and exercise such general power and authority to supervise and control the motor carriers of the State as may be necessary to carry out the laws providing for their regulation, and all such other powers and duties as may be necessary or incident to the proper discharge of its duties.

(b) The definitions set out in 49 Code of Federal Regulations § 171.8 apply to this subsection. Citations to the Code of Federal Regulations (CFR) in this subsection refer to the 1 October 1997 Edition of the CFR. The transportation of an agricultural product, other than a Class 2 material, over local roads between fields of the same farm by a farmer operating as an intrastate private motor carrier is exempt from the requirements of Parts 171 through 180 of 49 CFR as provided in 49 CFR § 173.5(a). The transportation

1 of an agricultural product to or from a farm within 150 miles of the farm by a farmer
2 operating as an intrastate private motor carrier is exempt from the requirements of
3 Subparts G and H of Part 172 of 49 CFR as provided in 49 CFR § 173.5(b)."

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

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