

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

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**SENATE BILL 600
Transportation Committee Substitute Adopted 4/23/01
Third Edition Engrossed 4/25/01
House Committee Substitute Favorable 6/14/01**

Short Title: MV Technical Changes.

(Public)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

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

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 shall be deemed to be the greater of the license
14 weight or the total weight of the vehicle or combination of vehicles
15 ~~may be deemed as the GVWR~~ for the purpose of enforcing this
16 Chapter."

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

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

1 otherwise make a black and white reproduction of a drivers license,
2 learner's permit, or special identification card."

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

4 "(b) Every license plate shall have displayed upon it the registration number
5 assigned to the vehicle for which it is issued, the name of the State of North Carolina,
6 which may be abbreviated, and the year number for which it is issued or the date of
7 expiration. A plate issued for a commercial vehicle, as defined in G.S. 20-4.2(1), and
8 weighing 26,001 pounds or more, must bear the word "commercial," unless the plate is
9 a special registration plate authorized in G.S. 20-79.4 or the commercial vehicle is a
10 trailer or is licensed for 6,000 pounds or less. The plate issued for vehicles licensed for
11 7,000 pounds through 26,000 pounds must bear the word "weighted".

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

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

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

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

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

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

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

32 "(g) (1) No vehicle shall be driven or moved on any highway unless ~~such~~ the
33 vehicle is so constructed or and loaded as to prevent any of its load
34 from falling, blowing, dropping, sifting, leaking, or otherwise escaping
35 therefrom, except that therefrom, and the vehicle shall not contain any
36 holes, cracks, or openings through which any of its load may escape.
37 However, sand may be dropped for the purpose of securing traction, or
38 water or other substance may be ~~sprinkled~~ sprinkled, dumped, or
39 spread on a roadway in cleaning or maintaining ~~such~~ the roadway.

40 (2) Trucks, trailers or other vehicles when loaded with rock, gravel, stone
41 or ~~other any other~~ similar substances ~~which~~ substance that could fall,
42 blow, leak, sift or drop shall not be driven or moved on any highway

1 unless the height of the load against all four walls does not extend
2 above a horizontal line six inches below their tops when loaded at the
3 loading point, or if not so loaded, ~~unless~~ point and the load shall be
4 securely covered by tarpaulin or some other suitable ~~covering, or~~
5 ~~unless it is otherwise constructed so as~~ covering to prevent any of its
6 load from falling, dropping, sifting, leaking, blowing, or otherwise
7 escaping therefrom. This subdivision does not apply to a vehicle
8 licensed for 7,500 pounds or less gross vehicle weight.

9 (3) ~~Provided this~~ This section shall not be applicable to or in any manner
10 restrict the transportation of seed cotton, of poultry or livestock or
11 silage or other feed grain used in the feeding of poultry or livestock."

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

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

15 a. Is hauling aggregates from a distribution yard or a
16 State-permitted production site within a North Carolina county
17 contiguous to the North Carolina State border to a destination in
18 ~~an adjacent state~~ another state adjacent to that county as verified
19 by a weight ticket in the driver's possession and available for
20 inspection by enforcement personnel.

21 b. Does not operate on an interstate highway or posted bridge.

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

32 d. All other enforcement provisions of this Article remain
33 applicable."

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

35 "**§ 20-118.1. Officers may weigh vehicles and require overloads to be removed.**

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

40 Any person operating a vehicle or a combination of vehicles having a GVWR of
41 10,001 pounds or more or any vehicle transporting hazardous materials that is required
42 to be placarded under 49 C.F.R. § 171-180 must enter a permanent weigh station or

1 temporary inspection or weigh site as directed by duly erected signs or an electronic
2 transponder for the purpose of being electronically screened for compliance, or
3 weighed, or inspected.

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

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

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

12 "**§ 20-142.3. Certain vehicles must stop at railroad grade ~~crossing; placarding~~**
13 **~~certain vehicles.~~ crossing.**

14 (a) Before crossing at grade any track or tracks of a railroad, the driver of any
15 school bus, any activity bus, any motor vehicle carrying passengers for compensation,
16 ~~any property hauling motor vehicle carrying hazardous materials,~~ any commercial
17 motor vehicle listed in 49 C.F.R. § 392.10, and any motor vehicle with a capacity of 16
18 or more persons shall stop the vehicle within 50 feet but not less than 15 feet from the
19 nearest rail of the railroad. While stopped, the driver shall listen and look in both
20 directions along the track for any approaching train and shall not proceed until ~~he~~ the
21 driver can do so safely. Upon proceeding, the driver of the vehicle shall cross the track
22 in a gear that allows the driver to cross the track without changing gears and the driver
23 shall not change gears while crossing the track or tracks.

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

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

38 (c) ~~It shall be unlawful to transport by motor vehicle upon the highways of this~~
39 ~~State any hazardous material without conspicuously marking or placarding the motor~~
40 ~~vehicle on each side and on the rear with the word "DANGEROUS" or the common or~~
41 ~~generic name of the article transported or its principal hazard. Additionally, the rear of~~
42 ~~any such vehicle shall be conspicuously marked with the words "THIS VEHICLE~~

1 ~~STOPS AT RAILROAD CROSSINGS~~" or ~~"WE STOP AT RR CROSSINGS."~~ A
2 person violating the provisions of this ~~subsection~~ section shall be guilty of an infraction
3 and punished in accordance with G.S. 20-176. Violation of this section shall not
4 constitute negligence per se.

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

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

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