

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  
House Committee Substitute #2 Favorable 9/26/01

Short Title: MV and October 1 Technical Changes.

(Public)

Sponsors:

Referred to:

March 22, 2001

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE  
MOTOR VEHICLE STATUTES, AND TO MAKE OTHER TECHNICAL  
CORRECTIONS TO LAWS BECOMING EFFECTIVE OCTOBER 1, 2001.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-4.01(12b), as amended by Section 1 of S.L. 2001-356,  
reads as rewritten:

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

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

"(6) ~~To photostat or otherwise reproduce a driver's license or learner's  
permit or to possess a driver's license or learner's permit which has  
been photostated or otherwise reproduced, unless such photostat or  
other reproduction was authorized by the Commissioner. To make a  
color photocopy or otherwise make a color reproduction of a drivers  
license, learner's permit, or special identification card which has been  
color-photocopied or otherwise reproduced in color, unless such color~~

1           photocopy or other color reproduction was authorized by the  
2           Commissioner. It shall be lawful to make a black and white photocopy  
3           of a drivers license, learner's permit, or special identification card or  
4           otherwise make a black and white reproduction of a drivers license,  
5           learner's permit, or special identification card."

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

7           "(b) Every license plate shall have displayed upon it the registration number  
8 assigned to the vehicle for which it is issued, the name of the State of North Carolina,  
9 which may be abbreviated, and the year number for which it is issued or the date of  
10 expiration. A plate issued for a commercial vehicle, as defined in G.S. 20-4.2(1), and  
11 weighing 26,001 pounds or more, must bear the word "commercial," unless the plate is  
12 a special registration plate authorized in G.S. 20-79.4 or the commercial vehicle is a  
13 trailer or is licensed for 6,000 pounds or less. The plate issued for vehicles licensed for  
14 7,000 pounds through 26,000 pounds must bear the word "weighted".

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

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

23           "**§ 20-101. Certain business vehicles to be marked.**

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

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

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

34           **SECTION 5.** G.S. 20-118(c)(14) reads as rewritten:

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

- 37           a. Is hauling aggregates from a distribution yard or a  
38 State-permitted production site within a North Carolina county  
39 contiguous to the North Carolina State border to a destination in  
40 ~~an adjacent state~~ another state adjacent to that county as verified  
41 by a weight ticket in the driver's possession and available for  
42 inspection by enforcement personnel.

- 1                   b. Does not operate on an interstate highway or posted bridge.  
2                   c. Does not exceed 69,850 pounds gross vehicle weight and  
3                   53,850 pounds per axle grouping for tri-axle vehicles. For  
4                   purposes of this subsection, a tri-axle vehicle is a single power  
5                   unit vehicle with a three consecutive axle group on which the  
6                   respective distance between any two consecutive axles of the  
7                   group, measured longitudinally center to center to the nearest  
8                   foot, does not exceed eight feet. For purposes of this subsection,  
9                   the tolerance provisions of subsection (h) of this section do not  
10                  ~~apply.~~ apply, and vehicles must be licensed in accordance with  
11                  G.S. 20-88.  
12                  d. All other enforcement provisions of this Article remain  
13                  applicable."

14                  **SECTION 6.** G.S. 20-118.1 reads as rewritten:

15       **"§ 20-118.1. Officers may weigh vehicles and require overloads to be removed.**

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

20                  Any person operating a vehicle or a combination of vehicles having a GVWR of  
21                  10,001 pounds or more or any vehicle transporting hazardous materials that is required  
22                  to be placarded under 49 C.F.R. § 171-180 must enter a permanent weigh station or  
23                  temporary inspection or weigh site as directed by duly erected signs or an electronic  
24                  transponder for the purpose of being electronically screened for compliance, or  
25                  weighed, or inspected.

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

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

33                  **SECTION 7.** G.S. 20-142.3 reads as rewritten:

34       **"§ 20-142.3. Certain vehicles must stop at railroad grade crossing; ~~placarding~~**  
35                  **~~certain vehicles.~~ crossing.**

36                  (a) Before crossing at grade any track or tracks of a railroad, the driver of any  
37                  school bus, any activity bus, any motor vehicle carrying passengers for compensation,  
38                  ~~any property hauling motor vehicle carrying hazardous materials,~~ any commercial  
39                  motor vehicle listed in 49 C.F.R. § 392.10, and any motor vehicle with a capacity of 16  
40                  or more persons shall stop the vehicle within 50 feet but not less than 15 feet from the  
41                  nearest rail of the railroad. While stopped, the driver shall listen and look in both  
42                  directions along the track for any approaching train and shall not proceed until ~~he~~ the

1 driver can do so safely. Upon proceeding, the driver of the vehicle shall cross the track  
2 in a gear that allows the driver to cross the track without changing gears and the driver  
3 shall not change gears while crossing the track or tracks.

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

6 (1) At railroad tracks used exclusively for industrial switching purposes  
7 within a business district.

8 (2) At a railroad grade crossing which a police officer or crossing flagman  
9 directs traffic to proceed.

10 (3) At a railroad grade crossing protected by a gate or flashing signal  
11 designed to stop traffic upon the approach of a train, when the gate or  
12 flashing signal does not indicate the approach of a train.

13 (4) At an abandoned railroad grade crossing which is marked with a sign  
14 indicating that the rail line is abandoned.

15 (5) At an industrial or spur line railroad grade crossing marked with a sign  
16 reading "Exempt" erected by or with the consent of the appropriate  
17 State or local authority.

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

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

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

31 **SECTION 8.** G.S. 51-2(a1), as enacted by Section 2 of S.L. 2001-62, reads  
32 as rewritten:

33 "(a1) Persons over 16 years of age and under 18 years of age may marry, and the  
34 register of deeds may issue a license for the marriage, only after there shall have been  
35 filed with the register of deeds a written consent to the marriage, said consent having  
36 been signed by the appropriate person as follows:

37 (1) By a parent having full or joint legal custody of the underage party; or

38 (2) By a person, agency, or institution having legal custody or serving as a  
39 guardian of the underage party.

40 ~~The written consent required by this subsection shall be either acknowledged before a~~  
41 ~~notary public or signed in the presence of the register of deeds. Such written consent~~  
42 ~~shall not be required for an emancipated minor if a certificate of emancipation issued~~

1 pursuant to Article 35 of Chapter 7B of the General Statutes or a certified copy of a  
2 final decree or certificate of emancipation from this or any other jurisdiction is filed  
3 with the register of deeds."

4 **SECTION 9.** Section 2 of S.L. 2001-177 reads as rewritten:

5 "SECTION 2. This act becomes effective October 1, 2001, and applies to ~~actions~~  
6 ~~on payment bonds filed~~ labor and materials furnished on or after that date."

7 **SECTION 10.(a)** The prefatory language of Section 2 of S.L. 2001-297 is  
8 rewritten to read:

9 "SECTION 2. G.S. 58-65-1 reads as rewritten:"

10 **SECTION 10.(b)** The statutory catch line in Section 2 of S.L. 2001-297 is  
11 rewritten to read:

12 "**§ 58-65-1. Regulation and definitions; application of other laws; profit and**  
13 **foreign corporations prohibited.**"

14 **SECTION 11.** Section 4 of S.L. 2001-308 reads as rewritten:

15 "SECTION 4. Section 3 of this act becomes effective July 1, 2001, ~~and expires~~  
16 ~~October 1, 2001~~ but only applies with respect to budget ordinance amendments adopted  
17 on or before October 1, 2001. The remainder of this act becomes effective for taxes  
18 imposed for taxable years beginning on or after July 1, 2002."

19 **SECTION 12.** If House Bill 1154 becomes law, Section 11 of House Bill  
20 1154 reads as rewritten:

21 "SECTION 11. This act becomes effective ~~October 1, 2001~~ December 1, 2001."

22 **SECTION 13.** Sections 8, 9, 10, 11, 12, and 13 of this act become effective  
23 October 1, 2001. Section 3 of this act becomes effective January 1, 2003. The  
24 remainder of this act becomes effective December 1, 2001, and applies to offenses  
25 occurring on or after that date.