

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 331  
Transportation Committee Substitute Adopted 3/28/95  
Third Edition Engrossed 3/29/95  
House Committee Substitute Favorable 6/14/95  
Fifth Edition Engrossed 6/20/95

Short Title: Truck Weight Tolerances Limits.

(Public)

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Sponsors:

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Referred to:

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March 8, 1995

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROVIDE A LIMITED TOLERANCE FOR EXISTING TRUCK  
3 WEIGHTS.  
4 The General Assembly of North Carolina enacts:  
5 Section 1. G.S. 20-118(h) reads as rewritten:  
6 "(h) Tolerance. – A vehicle may exceed maximum and the inner axle-group weight  
7 limitations set forth in subdivision (b)(3) of this section by a tolerance of ten percent  
8 (10%). This exception does not authorize a vehicle to exceed either the single-axle or  
9 tandem-axle weight limitations set forth in subdivisions (b)(1) and (b)(2) of this section,  
10 or the maximum gross weight limit of 80,000 pounds. This exception does not apply to  
11 bridges posted under G.S. 136-72 or to vehicles operating on interstate highways. The  
12 tolerance allowed under this subsection does not authorize the weight of a vehicle to  
13 exceed the weight for which that vehicle is licensed under G.S. 20-88. No tolerance on  
14 the single-axle weight, the tandem-axle weight, or axle-group weight weight or the tandem-  
15 axle weight provided for in G.S. 20-118(b) subdivisions (b)(1) and (b)(2) of this section  
16 shall be granted administratively or otherwise. The Department of Transportation shall

1 report back to the Transportation Oversight Committee and to the General Assembly on  
2 the effects of the tolerance granted under this section, any abuses of this tolerance, and  
3 any suggested revisions to this section by that Department on or before May 1, 1998."

4 Sec. 2. G.S. 20-118(e) reads as rewritten:

5 "(e) Penalties. –

6 (1) Except as provided in subdivision (2) of this subsection, for each  
7 violation of the single-axle or tandem-axle weight limits set in  
8 subdivision (b)(1), (b)(2), or (b)(4) of this section, the Department of  
9 Transportation shall assess a civil penalty against the owner or registrant  
10 of the vehicle in accordance with the following schedule: for the first  
11 1,000 pounds or any part thereof, four cents (4¢) per pound; for the next  
12 1,000 pounds or any part thereof, six cents (6¢) per pound; and for each  
13 additional pound, ten cents (10¢) per pound. These penalties apply  
14 separately to each weight limit violated. In all cases of violation of the  
15 weight limitation, the penalty shall be computed and assessed on each  
16 pound of weight in excess of the maximum permitted.

17 (2) The penalty for a violation of the single-axle or tandem-axle weight  
18 limits by a vehicle that is transporting an item listed in subdivision  
19 (c)(5) of this section is one-half of the amount it would otherwise be  
20 under subdivision (1) of this subsection.

21 ~~(3) Except as provided in subdivision (4) of this subsection, for a violation~~  
22 ~~of an axle-group weight limit set in subdivision (b)(3) of this section,~~  
23 ~~the Department of Transportation shall assess a civil penalty against the~~  
24 ~~owner or registrant of the motor vehicle in accordance with the~~  
25 ~~following schedule: for the first 2,000 pounds or any part thereof, two~~  
26 ~~cents (2¢) per pound; for the next 3,000 pounds or any part thereof, four~~  
27 ~~cents (4¢) per pound; for each pound in excess of 5,000 pounds, ten~~  
28 ~~cents (10¢) per pound. These penalties apply separately to each axle-~~  
29 ~~group weight limit violated. The penalty shall be assessed on each~~  
30 ~~pound of weight in excess of the maximum permitted.~~

31 If an axle-group weight of a vehicle exceeds the weight limit set in  
32 subdivision (b)(3) of this section plus any tolerance allowed in  
33 subsection (h) of this section, the Department of Transportation shall  
34 assess a civil penalty against the owner or registrant of the motor  
35 vehicle. The penalty shall be assessed on the number of pounds by  
36 which the axle-group weight exceeds the limit set in subdivision (b)(3),  
37 as follows: for the first 2,000 pounds or any part thereof, two cents (2¢)  
38 per pound; for the next 3,000 pounds or any part thereof, four cents (4¢)  
39 per pound; for each pound in excess of 5,000 pounds, ten cents (10¢)  
40 per pound. Tolerance pounds in excess of the limit set in subdivision  
41 (b)(3) are subject to the penalty if the vehicle exceeds the tolerance  
42 allowed in subsection (h) of this section. These penalties apply  
43 separately to each axle-group weight limit violated.

- 1           (4)    The penalty for a violation of an axle-group weight limit by a vehicle  
2                   that is transporting an item listed in subdivision (c)(5) of this section is  
3                   one-half of the amount it would otherwise be under subdivision (3) of  
4                   this subsection.
- 5           (5)    A violation of a weight limit in this section is not punishable under G.S.  
6                   20-176."
- 7           Sec. 3. The heading to the table of maximum weights included in G.S. 20-  
8 118(b)(3) reads as rewritten:  
9                   "Maximum Weight in Pounds for any Group of Two or More  
10                   Consecutive Axles ~~Including all Tolerances~~".
- 11           Sec. 4. Section 3 of Chapter 109 of the 1995 Session Laws is repealed.
- 12           Sec. 5. This act is effective upon ratification.