

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1096*
Committee Substitute Favorable 7/17/97
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Short Title: Trucking Adjustment Act of 1997.

(Public)

Sponsors:

Referred to:

April 21, 1997

A BILL TO BE ENTITLED

AN ACT TO ADJUST CERTAIN STATUTES AFFECTING THE TRUCKING INDUSTRY TO ENCOURAGE THE GROWTH OF THAT INDUSTRY THROUGH INCREASED TRUCK REGISTRATIONS IN THIS STATE; TO PROVIDE CONSUMER PROTECTION PROVISIONS; AND TO PROVIDE FOR A STUDY OF CERTAIN TRUCKING-RELATED PROVISIONS BY THE JOINT LEGISLATIVE TRANSPORTATION OVERSIGHT COMMITTEE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-88 is amended by adding a new subsection to read:

"(1) The Division shall issue permanent truck and truck-tractor plates to Class A and Class B Motor Vehicles and shall include the word 'permanent' on the plate. The permanent registration plates issued pursuant to this section shall be subject to annual registration fees set in this section. The Division shall issue the necessary rules providing for the recall, transfer, exchange, or cancellation of permanent plates issued pursuant to this section."

Section 2. G.S. 20-118(c)(5) reads as rewritten:

"(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

1 transporting only the following from its point of origin on a light-traffic
2 road to the nearest highway that is not a light-traffic road:

- 3 a. Processed or unprocessed seafood transported from boats or any
4 other point of origin to a processing plant or a point of further
5 distribution.
- 6 b. Meats or agricultural crop products ~~originating~~ transported from a
7 farm to first market.
- 8 c. ~~Unprocessed forest~~ Forest products originating and transported
9 from a farm or from woodlands to first market.
- 10 d. Livestock or poultry transported from their point of origin to first
11 market.
- 12 e. Livestock by-products or poultry by-products transported from
13 their point of origin to a rendering plant.
- 14 f. Recyclable material transported from its point of origin to a
15 scrap-processing facility for processing. As used in this subpart,
16 the terms 'recyclable' and 'processing' have the same meaning as
17 in G.S. 130A-290(a).
- 18 g. Garbage collected by the vehicle from residences or garbage
19 dumpsters if the vehicle is fully enclosed and is designed
20 specifically for collecting, compacting, and hauling garbage from
21 residences or from garbage dumpsters. As used in this subpart,
22 the term 'garbage' does not include hazardous waste as defined in
23 G.S. 130A-290(a), spent nuclear fuel regulated under G.S. 20-
24 167.1, low-level radioactive waste as defined in G.S. 104E-5, or
25 radioactive material as defined in G.S. 104E-5."

26 Section 3. G.S. 20-382.2 reads as rewritten:

27 **"§ 20-382.2. Penalty for failure to comply with registration or insurance verification**
28 **requirements.**

29 (a) Acts. – A motor carrier who does any of the following is subject to a civil
30 penalty of ~~seventy-five dollars (\$75.00); one thousand dollars (\$1,000):~~

- 31 (1) Operates a for-hire motor vehicle in this State without registering its
32 operations, as required by this Part.
- 33 (2) Operates a for-hire motor vehicle in interstate commerce in this State
34 that does not carry a copy of either an insurance registration receipt
35 issued to the motor carrier or a cab card with an identification stamp
36 issued for the vehicle, as required by G.S. 20-382.
- 37 (3) Operates a for-hire motor vehicle in intrastate commerce in this State for
38 which it has not verified it has insurance, as required by G.S. 20-382.1.

39 (b) Payment. – When the Division finds that a for-hire motor vehicle is operated in
40 this State in violation of the registration and insurance verification requirements of this
41 Part, the motor vehicle may not be driven for a purpose other than to park the motor
42 vehicle until the penalty imposed under this section is paid unless the officer that imposes
43 the penalty determines that operation of the motor vehicle will not jeopardize collection

1 of the penalty. A motor carrier that denies liability for a penalty imposed under this
2 section may pay the penalty under protest and apply to the Division for a hearing.

3 (c) Hearing. – Upon receiving a request for a hearing, the Commissioner ~~must~~shall
4 schedule a hearing within 30 days after receipt of the request. If after the hearing the
5 Commissioner determines that the motor carrier was not liable for the penalty, the
6 amount collected ~~must~~shall be refunded. If after the hearing the Commissioner
7 determines that the motor carrier was liable for the penalty, the motor carrier may bring
8 an action in the Superior Court of Wake County against the Division for refund of the
9 penalty. A court of this State may not issue a restraining order or an injunction to restrain
10 or enjoin the collection of the penalty or to permit the operation of the vehicle without
11 payment of the penalty.

12 (d) Proceeds. – A penalty imposed under this section is payable to the Division.
13 Penalties collected under this section shall be credited to the Highway Fund as nontax
14 revenue.”

15 Section 4. The Division of Motor Vehicles shall study the feasibility of
16 establishing a staggered registration system for commercial motor vehicles under the
17 International Registration Plan (IRP). The registration plan shall be coordinated with
18 other states which currently stagger IRP registrations to eliminate, insofar as possible,
19 multiple application dates for the same carrier. The registration plan shall provide for a
20 smooth transition to the staggered system providing for credits and partial fees, as
21 needed. The Division shall report the results of this study along with any legislation to
22 implement the staggered registration system to the Joint Legislative Transportation
23 Oversight Committee and the Fiscal Research Division by April 1, 1998.

24 Section 5. The Joint Legislative Transportation Oversight Committee and the
25 Revenue Laws Study Committee shall study the following issues encouraging the growth
26 of the trucking industry in North Carolina through increased truck registrations:

- 27 (1) The feasibility of removing the highway use tax on vehicles with a gross
28 weight rating of more than 26,000 pounds;
- 29 (2) The replacement of the revenue from the removal of the highway use
30 tax studied in subdivision (1) of this section by an increase in
31 registration fees for the same vehicles by ten cents (10¢) per one
32 hundred pounds of registered weight; and
- 33 (3) Eliminate the stacking of overweight penalties by restricting the
34 penalties so that they do not exceed the highest axle-group weight that
35 exceeds the allowable limits rather than assessing separate penalties for
36 each axle-group and stacking those penalties for the same weight
37 violations.

38 The Joint Legislative Transportation Oversight Committee and the Revenue
39 Laws Study Committee may make an interim report of the study authorized by this
40 section to the 1998 Session of the General Assembly and shall make a final report to the
41 1999 Session of the General Assembly.

1 Section 6. Sections 4 and 5 of this act are effective when this act becomes law.
2 Sections 2 and 3 of this act become effective October 1, 1997. Section 1 of this act
3 becomes effective January 1, 1999.