## GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2001

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## HOUSE BILL 1519\*

Short Title: Motor Carrier Safety Amendments. (Public) Sponsors: Representatives J. Crawford; and Bowie. Referred to: Judiciary I. June 5, 2002 1 A BILL TO BE ENTITLED 2 AN ACT TO MAKE CHANGES TO THE LAWS AFFECTING MOTOR CARRIER 3 SAFETY. 4 The General Assembly of North Carolina enacts: 5 **SECTION 1.** G.S. 20-54 is amended by adding a new subdivision to read: 6 "§ 20-54. Authority for refusing registration or certificate of title. 7 The Division shall refuse registration or issuance of a certificate of title or any 8 transfer of registration upon any of the following grounds: 9 10 (9) The vehicle is owned by a motor carrier company that has failed to maintain minimum safety standards as required by the Federal Motor 11 Carrier Safety Regulations, and has been determined by the Federal 12 13 Motor Carrier Safety Administration or the Division to be an unfit 14 carrier based on safety compliance." 15 **SECTION 2.** G.S. 20-110 is amended by adding a new subsection to read: "(m) The Division may rescind and cancel the registration plates issued to a motor 16 carrier of passengers or property, when the motor carrier has failed to maintain 17 minimum safety standards as required by the Federal Motor Carrier Safety Regulations, 18 19 and has been determined by the Federal Motor Carrier Safety Administration or the 20 Division to be an unfit carrier based on safety compliance." 21 **SECTION 3.** G.S. 20-376 reads as rewritten: 22 "§ 20-376. Definitions. 23 The following definitions apply in this Article: 24 (1)Federal safety and hazardous materials regulations. - The federal 25 motor carrier safety regulations contained in 49 C.F.R. Parts 171 through 180, 382, and 390 through 398. 26 Foreign commerce. – Commerce between any of the following: 27 (2)

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1			a. A place in the United States and a place in a foreign country.
2			<ul><li>b. Places in the United States through any foreign country.</li></ul>
		( <b>2</b> )	
3		(3)	Interstate commerce. – As defined in 49 C.F.R. Part 390.5.
4		<u>(3a)</u>	Interstate motor carrier. – Any person, firm, or corporation that
5			operates or controls a commercial motor vehicle as defined in 49
6			C.F.R. § 390.5 in interstate commerce.
7		(4)	Intrastate commerce. – As defined in 49 C.F.R. Part 390.5.
8		<u>(5)</u>	Intrastate motor carrier. – Any person, firm, or corporation that
9			operates or controls a commercial motor vehicle as defined in G.S. 20-
10			4.01(3d) in intrastate commerce."
11		SECT	<b>TION 4.</b> G.S. 20-381(a) is amended by adding a new subdivision to
12	read:		
13		" <u>(2b)</u>	To prohibit the operation of any motor carrier in interstate or intrastate
14			operations when the motor carrier has failed to maintain minimum
15			safety standards as required by the Federal Motor Carrier Safety
16			Regulations, and has been determined by the Federal Motor Carrier
17			Safety Administration or by the Division to be an unfit carrier based
18			on safety compliance. In the event of an interstate carrier who has been
19			ordered to cease operations by the Federal Motor Carrier Safety
20			Administration, any intrastate operations of that motor carrier shall
21			also be prohibited until the motor carrier has complied with the
22			minimum safety requirements."
23		SECT	TION 5. This act becomes effective December 1, 2002.