

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE DRS85280-LT-133 (5/7)

Short Title: State Highway Patrol Authority.

(Public)

Sponsors: Senator Rand.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE AUTHORITY OF THE STATE HIGHWAY PATROL TO OPERATE WEIGH STATIONS; TO AUTHORIZE NONSWORN PERSONNEL OF THE DIVISION OF STATE HIGHWAY PATROL TO OPERATE WEIGH STATIONS; TO MAKE CONFORMING, TECHNICAL CHANGES TO THE LAW GOVERNING WEIGH STATIONS; AND TO APPROPRIATE FUNDS.

The General Assembly of North Carolina enacts:

SECTION 1. The title to Article 3B of Chapter 20 of the General Statutes reads as rewritten:

"Article 3B.

Permanent ~~Weighing~~ Weigh Stations and Portable Scales."

SECTION 2. G.S. 20-183.9 reads as rewritten:

"§ 20-183.9. **Establishment and maintenance of permanent ~~weighing~~ weigh stations.**

The Department of Crime Control and Public Safety is hereby authorized, empowered and directed to equip, operate, and maintain permanent ~~weighing~~ weigh stations equipped to weigh vehicles using the streets and highways of this State to determine whether such vehicles are being operated in accordance with legislative enactments relating to weights of vehicles and their loads. The permanent ~~weighing~~ weigh stations shall be established at such locations on the streets and highways in this State as will enable them to be used most advantageously in determining the weight of vehicles and their loads."

SECTION 3. G.S. 20-183.10 reads as rewritten:

"§ 20-183.10. **Operation of the permanent weigh stations by the Department of Crime Control and Public ~~Safety~~ Safety, Division of State Highway Patrol, uniformed personnel with powers of peace officers. personnel.**

1 The permanent ~~weighing~~-weigh stations to be established pursuant to the provisions
2 of this Article shall be operated by the Department of Crime Control and Public ~~Safety~~
3 Safety, Division of State Highway Patrol, who shall assign a sufficient number of sworn
4 and nonsworn personnel and the personnel assigned to the various stations weigh
5 stations. Sworn personnel of the Division of State Highway Patrol shall supervise all
6 nonsworn personnel assigned to weigh stations. The sworn and nonsworn personnel
7 shall have authority to weigh vehicles and to assess civil penalties pursuant to Article 3,
8 Part 9 of this Chapter and shall wear uniforms to be selected and furnished by the
9 Department of Crime Control and Public ~~Safety~~-Safety, Division of State Highway
10 Patrol. The uniformed sworn and nonsworn personnel officers-assigned to the various
11 permanent ~~weighing~~-weigh stations shall weigh vehicles and complete various reports
12 as may be necessary for recording violations relating to the weight of vehicles and their
13 loads. Sworn members and officers of the State Highway Patrol shall have the powers
14 of peace officers for the purpose of enforcing the provisions of this Chapter and in
15 making arrests, serving process, and appearing in court in all matters and things relating
16 to the weight of vehicles and their loads."

17 **SECTION 4.** G.S. 20-188 reads as rewritten:

18 "**§ 20-188. Duties of Highway Patrol.**

19 The State Highway Patrol shall be subject to such orders, rules and regulations as
20 may be adopted by the Secretary of Crime Control and Public Safety, with the approval
21 of the Governor, and shall regularly patrol the highways of the State and enforce all
22 laws and regulations respecting travel and the use of vehicles upon the highways of the
23 State and all laws for the protection of the highways of the State. To this end, the
24 members and sworn officers of the Patrol are given the power and authority of peace
25 officers for the service of any warrant or other process issuing from any of the courts of
26 the State having criminal jurisdiction, and are likewise authorized to arrest without
27 warrant any person who, in the presence of said officers, is engaged in the violation of
28 any of the laws of the State regulating travel and the use of vehicles upon the highways,
29 or of laws with respect to the protection of the highways, and they shall have
30 jurisdiction anywhere within the State, irrespective of county lines. The State Highway
31 Patrol shall enforce the provisions of G.S. 14-399.

32 The State Highway Patrol shall have full power and authority to perform such
33 additional duties as peace officers as may from time to time be directed by the
34 Governor, and such members and sworn officers may at any time and without special
35 authority, either upon their own motion or at the request of any sheriff or local police
36 authority, arrest persons accused of highway robbery, bank robbery, murder, or other
37 crimes of violence.

38 The Secretary of Crime Control and Public Safety shall direct the officers and
39 members of the State Highway Patrol in the performance of such other duties as may be
40 required for the enforcement of the motor vehicle laws of the State.

41 Members and sworn officers of the State Highway Patrol, in addition to the duties,
42 power and authority hereinbefore given, shall have the authority throughout the State of
43 North Carolina of any police officer in respect to making arrests for any crimes

1 committed in their presence and shall have authority to make arrests for any crime
2 committed on any highway.

3 Regardless of territorial jurisdiction, any member or sworn officer of the State
4 Highway Patrol who initiates an investigation of an accident or collision may not
5 relinquish responsibility for completing the investigation, or for filing criminal charges
6 as appropriate, without clear assurance that another law-enforcement officer or agency
7 has fully undertaken responsibility, and in such cases he shall render reasonable
8 assistance to the succeeding officer or agency if requested."

9 **SECTION 5.** G.S. 20-364 reads as rewritten:

10 **"§ 20-364. Route changes.**

11 Irrespective of the route shown on the permit, an alternate route will be followed:

- 12 (1) If directed by a peace officer.
- 13 (2) If directed by a uniformed officer assigned to a ~~weighing~~ weigh station
14 to follow a route to a weighing device.
- 15 (3) If the specified route is officially detoured. Should a detour be
16 encountered, the driver shall check with the office issuing permit on
17 which he is traveling prior to proceeding."

18 **SECTION 6.** There is appropriated from the General Fund to the
19 Department of Crime Control and Public Safety, Division of State Highway Patrol, the
20 sum of five thousand dollars (\$5,000) for the 2004-2005 fiscal year to upgrade certain
21 personnel in the Division of State Highway Patrol to implement this act.

22 **SECTION 7.** This act becomes effective July 1, 2004.