

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 1076

Short Title: State Highway Patrol Authority.

(Public)

Sponsors: Senators Rand; and Thomas.

Referred to: Judiciary I.

May 13, 2004

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.

The permanent ~~weighing~~ weigh stations to be established pursuant to the provisions of this Article shall be operated by the Department of Crime Control and Public ~~Safety~~

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

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

16 **"§ 20-188. Duties of Highway Patrol.**

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

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

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

39 Members and sworn officers of the State Highway Patrol, in addition to the duties,
40 power and authority hereinbefore given, shall have the authority throughout the State of
41 North Carolina of any police officer in respect to making arrests for any crimes
42 committed in their presence and shall have authority to make arrests for any crime
43 committed on any highway.

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

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

8 "**§ 20-364. Route changes.**

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

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

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

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