

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 600
Transportation Committee Substitute Adopted 4/23/01
Third Edition Engrossed 4/25/01
House Committee Substitute Favorable 6/14/01
House Committee Substitute #2 Favorable 9/26/01
Sixth Edition Engrossed 10/24/01

Short Title: MV and October 1 Technical Changes.

(Public)

Sponsors:

Referred to:

March 22, 2001

1 A BILL TO BE ENTITLED

2 AN ACT TO MAKE VARIOUS TECHNICAL AND OTHER CHANGES TO THE
3 MOTOR VEHICLE STATUTES, AND TO MAKE OTHER TECHNICAL
4 CORRECTIONS TO LAWS BECOMING EFFECTIVE OCTOBER 1, 2001.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 20-4.01(12b), as amended by Section 1 of S.L. 2001-356,
7 reads as rewritten:

8 "(12b) Gross Vehicle Weight Rating (GVWR). – The value specified by the
9 manufacturer as the maximum loaded weight ~~of a vehicle.~~ a vehicle is
10 capable of safely hauling. The GVWR of a combination vehicle is the
11 GVWR of the power unit plus the GVWR of the towed unit or units.
12 When a vehicle is determined by an enforcement officer to be
13 structurally altered in any way from the manufacturer's original ~~design,~~
14 design in an attempt to increase the hauling capacity of the vehicle, the
15 GVWR of that vehicle shall be deemed to be the greater of the license
16 weight or the total weight of the vehicle or combination of vehicles
17 ~~may be deemed as the GVWR~~ for the purpose of enforcing this
18 Chapter."

19 **SECTION 2.** G.S. 20-30(6) reads as rewritten:

20 "(6) ~~To photostat or otherwise reproduce a driver's license or learner's~~
21 ~~permit or to possess a driver's license or learner's permit which has~~
22 ~~been photostated or otherwise reproduced, unless such photostat or~~
23 ~~other reproduction was authorized by the Commissioner.~~ To make a
24 color photocopy or otherwise make a color reproduction of a drivers
25 license, learner's permit, or special identification card which has been

1 color-photocopied or otherwise reproduced in color, unless such color
2 photocopy or other color reproduction was authorized by the
3 Commissioner. It shall be lawful to make a black and white photocopy
4 of a drivers license, learner's permit, or special identification card or
5 otherwise make a black and white reproduction of a drivers license,
6 learner's permit, or special identification card."

7 **SECTION 3.** G.S. 20-63(b) reads as rewritten:

8 "(b) Every license plate shall have displayed upon it the registration number
9 assigned to the vehicle for which it is issued, the name of the State of North Carolina,
10 which may be abbreviated, and the year number for which it is issued or the date of
11 expiration. A plate issued for a commercial vehicle, as defined in G.S. 20-4.2(1), and
12 weighing 26,001 pounds or more, must bear the word "commercial," unless the plate is
13 a special registration plate authorized in G.S. 20-79.4 or the commercial vehicle is a
14 trailer or is licensed for 6,000 pounds or less. The plate issued for vehicles licensed for
15 7,000 pounds through 26,000 pounds must bear the word "weighted".

16 A registration plate issued by the Division for a private passenger vehicle or for a
17 private hauler vehicle licensed for 6,000 pounds or less, other than a Friends of the
18 Great Smoky Mountains National Park special registration plate, shall be a "First in
19 Flight" plate. A "First in Flight" plate shall have the words "First in Flight" printed at
20 the top of the plate above all other letters and numerals. The background of the plate
21 shall depict the Wright Brothers biplane flying over Kitty Hawk Beach, with the plane
22 flying slightly upward and to the right."

23 **SECTION 4.** G.S. 20-101 reads as rewritten:

24 "**§ 20-101. Certain business vehicles to be marked.**

25 A motor vehicle that is subject to 49 C.F.R. Part 390, the federal motor carrier safety
26 regulations, shall be marked as required by that Part.

27 A motor vehicle that is not subject to those regulations, has a gross vehicle weight
28 rating of more than 10,000 pounds, but less than 26,001 pounds, and is used in intrastate
29 commerce, and is not a farm vehicle, as further described in G.S. 20-118 (c)(4), (c)(5),
30 or (c)(12), shall have the name of the owner printed on the side of the vehicle in letters
31 not less than three inches in height.

32 A motor vehicle that is subject to regulation by the North Carolina Utilities
33 Commission shall be marked as required by that Commission and as otherwise required
34 by this section."

35 **SECTION 5.** G.S. 20-118(c)(14) reads as rewritten:

36 "(14) Subsections (b) and (e) of this section do not apply to a vehicle that
37 meets all of the following conditions:

- 38 a. Is hauling aggregates from a distribution yard or a
39 State-permitted production site within a North Carolina county
40 contiguous to the North Carolina State border to a destination in
41 ~~an adjacent state~~ another state adjacent to that county as verified

1 by a weight ticket in the driver's possession and available for
2 inspection by enforcement personnel.

3 b. Does not operate on an interstate highway or posted bridge.

4 c. Does not exceed 69,850 pounds gross vehicle weight and
5 53,850 pounds per axle grouping for tri-axle vehicles. For
6 purposes of this subsection, a tri-axle vehicle is a single power
7 unit vehicle with a three consecutive axle group on which the
8 respective distance between any two consecutive axles of the
9 group, measured longitudinally center to center to the nearest
10 foot, does not exceed eight feet. For purposes of this subsection,
11 the tolerance provisions of subsection (h) of this section do not
12 apply. apply, and vehicles must be licensed in accordance with
13 G.S. 20-88.

14 d. All other enforcement provisions of this Article remain
15 applicable."

16 **SECTION 6.** G.S. 20-118.1 reads as rewritten:

17 **"§ 20-118.1. Officers may weigh vehicles and require overloads to be removed.**

18 A law enforcement officer may stop and weigh a vehicle to determine if the vehicle's
19 weight is in compliance with the vehicle's declared gross weight and the weight limits
20 set in this Part. The officer may require the driver of the vehicle to drive to a scale
21 located within five miles of where the officer stopped the vehicle.

22 Any person operating a vehicle or a combination of vehicles having a GVWR of
23 10,001 pounds or more or any vehicle transporting hazardous materials that is required
24 to be placarded under 49 C.F.R. § 171-180 must enter a permanent weigh station or
25 temporary inspection or weigh site as directed by duly erected signs or an electronic
26 transponder for the purpose of being electronically screened for compliance, or
27 weighed, or inspected.

28 If the vehicle's weight exceeds the amount allowable, the officer may detain the
29 vehicle until the overload has been removed. Any property removed from a vehicle
30 because the vehicle was overloaded is the responsibility of the owner or operator of the
31 vehicle. The State is not liable for damage to or loss of the removed property.

32 Failure to permit a vehicle to be weighed or to remove an overload is a misdemeanor
33 of the Class set in G.S. 20-176. An officer must weigh a vehicle with a scale that has
34 been approved by the Department of Agriculture and Consumer Services."

35 **SECTION 7.** G.S. 20-142.3 reads as rewritten:

36 **"§ 20-142.3. Certain vehicles must stop at railroad grade crossing; ~~placarding~~**
37 **~~certain vehicles.~~ crossing.**

38 (a) Before crossing at grade any track or tracks of a railroad, the driver of any
39 school bus, any activity bus, any motor vehicle carrying passengers for compensation,
40 any property-hauling motor vehicle carrying hazardous materials, any commercial
41 motor vehicle listed in 49 C.F.R. § 392.10, and any motor vehicle with a capacity of 16
42 or more persons shall stop the vehicle within 50 feet but not less than 15 feet from the

1 nearest rail of the railroad. While stopped, the driver shall listen and look in both
2 directions along the track for any approaching train and shall not proceed until ~~he~~ the
3 driver can do so safely. Upon proceeding, the driver of the vehicle shall cross the track
4 in a gear that allows the driver to cross the track without changing gears and the driver
5 shall not change gears while crossing the track or tracks.

6 (b) Except for school buses and activity buses, the provisions of this section shall
7 not require the driver of a vehicle to stop:

8 (1) At railroad tracks used exclusively for industrial switching purposes
9 within a business district.

10 (2) At a railroad grade crossing which a police officer or crossing flagman
11 directs traffic to proceed.

12 (3) At a railroad grade crossing protected by a gate or flashing signal
13 designed to stop traffic upon the approach of a train, when the gate or
14 flashing signal does not indicate the approach of a train.

15 (4) At an abandoned railroad grade crossing which is marked with a sign
16 indicating that the rail line is abandoned.

17 (5) At an industrial or spur line railroad grade crossing marked with a sign
18 reading "Exempt" erected by or with the consent of the appropriate
19 State or local authority.

20 (c) ~~It shall be unlawful to transport by motor vehicle upon the highways of this~~
21 ~~State any hazardous material without conspicuously marking or placarding the motor~~
22 ~~vehicle on each side and on the rear with the word "DANGEROUS" or the common or~~
23 ~~generic name of the article transported or its principal hazard. Additionally, the rear of~~
24 ~~any such vehicle shall be conspicuously marked with the words "THIS VEHICLE~~
25 ~~STOPS AT RAILROAD CROSSINGS" or "WE STOP AT RR CROSSINGS."~~ A
26 person violating the provisions of this ~~subsection~~ section shall be guilty of an infraction
27 and punished in accordance with G.S. 20-176. Violation of this section shall not
28 constitute negligence per se.

29 (d) ~~"Hazardous materials," for purposes of this section only, means any~~
30 ~~hazardous material required to be placarded under 49 C.F.R. § 171-180.~~

31 (e) ~~The provisions of this section shall not apply to vehicles subject to Federal~~
32 ~~Motor Carrier Safety rules adopted by the Division of Motor Vehicles."~~

33 **SECTION 7.1.** G.S. 20-7 is amended to add a new subsection to read:

34 "(b2) The Division shall recall all drivers licenses issued with fictitious or invalid
35 social security numbers, and reissue those licenses upon submittal of a valid social
36 security number. The Division shall recall and reissue those licenses within 120 days of
37 the effective date of this subsection. The Division shall report the results of its recall
38 and reissuance of licenses pursuant to this subsection to the General Assembly by
39 January 1, 2002."

40 **SECTION 8.** G.S. 51-2(a1), as enacted by Section 2 of S.L. 2001-62, reads
41 as rewritten:

1 "(a1) Persons over 16 years of age and under 18 years of age may marry, and the
2 register of deeds may issue a license for the marriage, only after there shall have been
3 filed with the register of deeds a written consent to the marriage, said consent having
4 been signed by the appropriate person as follows:

5 (1) By a parent having full or joint legal custody of the underage party; or

6 (2) By a person, agency, or institution having legal custody or serving as a
7 guardian of the underage party.

8 ~~The written consent required by this subsection shall be either acknowledged before a~~
9 ~~notary public or signed in the presence of the register of deeds.~~ Such written consent
10 shall not be required for an emancipated minor if a certificate of emancipation issued
11 pursuant to Article 35 of Chapter 7B of the General Statutes or a certified copy of a
12 final decree or certificate of emancipation from this or any other jurisdiction is filed
13 with the register of deeds."

14 **SECTION 9.** Section 2 of S.L. 2001-177 reads as rewritten:

15 "**SECTION 2.** This act becomes effective October 1, 2001, and applies to ~~actions~~
16 ~~on payment bonds filed labor and materials furnished~~ on or after that date."

17 **SECTION 10.(a)** The prefatory language of Section 2 of S.L. 2001-297 is
18 rewritten to read:

19 "**SECTION 2.** G.S. 58-65-1 reads as rewritten:"

20 **SECTION 10.(b)** The statutory catch line in Section 2 of S.L. 2001-297 is
21 rewritten to read:

22 "**§ 58-65-1. Regulation and definitions; application of other laws; profit and**
23 **foreign corporations prohibited.**"

24 **SECTION 11.** Section 4 of S.L. 2001-308 reads as rewritten:

25 "**SECTION 4.** Section 3 of this act becomes effective July 1, 2001, ~~and expires~~
26 ~~October 1, 2001, but only applies with respect to budget ordinance amendments adopted~~
27 ~~on or before October 1, 2001.~~ The remainder of this act becomes effective for taxes
28 imposed for taxable years beginning on or after July 1, 2002."

29 **SECTION 12.** If House Bill 1154 becomes law, Section 11 of House Bill
30 1154 reads as rewritten:

31 "**SECTION 11.** This act becomes effective ~~October 1, 2001.~~December 1, 2001."

32 **SECTION 13.** Sections 8, 9, 10, 11, 12, and 13 of this act become effective
33 October 1, 2001. Section 3 of this act becomes effective January 1, 2003. The
34 remainder of this act becomes effective December 1, 2001, and applies to offenses
35 occurring on or after that date.