

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1321
Committee Substitute Favorable 5/17/07

Short Title: Weight and Size Exemption for Fire Response.

(Public)

Sponsors:

Referred to:

April 5, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE A WEIGHT AND SIZE EXCEPTION TO STATE AND LOCAL FIREFIGHTING AGENCIES TRANSPORTING OVERWEIGHT AND OVERSIZED VEHICLES BEING USED TO COMBAT FOREST FIRES, WILDFIRES, AND OTHER EMERGENCIES OR DISASTERS, TO AUTHORIZE THE ISSUANCE OF AN ANNUAL OR SINGLE TRIP PERMIT FOR OVERSIZE AND OVERWEIGHT COMMERCIAL VEHICLES USED IN EMERGENCY RESPONSE, AND TO AUTHORIZE THE ISSUANCE OF A SINGLE TRIP PERMIT FOR OVERSIZE OR OVERWEIGHT VEHICLES OR VEHICLE COMBINATIONS RESPONDING TO AN EMERGENCY EVENT.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-118.4. Exempt firefighting equipment from size and weight restrictions while transporting or moving heavy equipment in an emergency; permits.

(a) Exemption From Weight and Size Restrictions During Emergency Response. – Any overweight or oversize vehicle owned and operated by a State or local government or cooperating federal agency is exempt from the weight and size restrictions of this Chapter and implementing rules while it is actively engaged in a response to a fire under the authority of a forest ranger pursuant to G.S. 113-55(a); a county request for forest protection assistance pursuant to G.S. 113-59; a request for assistance under a state of emergency declared pursuant to G.S. 14-288.12, 14-288.13, 14-288.14, 14-288.15, and any other applicable statutes and provisions of common law; or a request for assistance under a disaster declared pursuant to G.S. 166A-6 or G.S. 166A-8.

(b) Marking, Lighting, and Bridge Requirements. – Vehicle subject to an exemption or permit under this section shall be marked and lighted according to applicable Department of Transportation rules and shall not exceed posted bridge limits.

1 (c) Definition of 'Response'. – A response lasts from the time an overweight or
2 oversize vehicle is requested until the vehicle is returned to its base location and
3 restored to a state of readiness for another response.

4 (d) Discretionary Annual or Single Trip Permit for Emergency Response by a
5 Commercial Vehicle. – The Department of Transportation may, in its discretion, issue
6 an annual or single trip special use permit waving the weight and size restrictions of this
7 Chapter and implementing rules for a commercial overweight or oversize vehicle
8 actively engaged in a response to a fire or a request for assistance from a person
9 authorized to direct emergency operations. The Department of Transportation may
10 condition the permit with safety measures that do not unreasonably delay a response.
11 The Department of Transportation may issue the single trip special use permit upon
12 verbal communication as long as the requestor submits appropriate documentation and
13 fees on the next business day.

14 (e) No Liability for Issuance of Permit Under This Section. – The action of
15 issuing a permit by the Department of Transportation under this section is a
16 governmental function and does not subject the Department of Transportation to
17 liability for injury to a person or damage to property as a result of the activity."

18 **SECTION 2.** G.S. 20-119 reads as rewritten:

19 **"§ 20-119. Special permits for vehicles of excessive size or weight; fees.**

20 (a) The Department of Transportation may, in its discretion, upon application, for
21 good cause being shown therefor, issue a special permit in writing authorizing the
22 applicant to operate or move a vehicle of a size or weight exceeding a maximum
23 specified in this Article upon any highway under the jurisdiction and for the
24 maintenance of which the body granting the permit is responsible. However, the
25 Department is not authorized to issue any permit to operate or move over the State
26 highways twin trailers, commonly referred to as double bottom trailers. Every such
27 permit shall be carried in the vehicle to which it refers and shall be open to inspection
28 by any peace officer. The authorities in any incorporated city or town may grant permits
29 in writing and for good cause shown, authorizing the applicant to move a vehicle over
30 the streets of such city or town, the size or weight exceeding the maximum expressed in
31 this Article. The Department of Transportation shall issue rules to implement this
32 section.

33 (a1) A single trip permit may be issued by the Department for travel from a
34 specific origin to destination and return 24 hours a day, seven days a week, including
35 holidays, where permitted by the posted road and bridge limits for a vehicle or vehicle
36 combination responding to an emergency event that could result in severe damage,
37 injury, or loss of life or property resulting from any natural or man-made emergency as
38 determined by either the Secretary of Crime Control and Public Safety or the Secretary
39 of Transportation or their designees. Permits issued under this subsection shall include a
40 requirement for banners, flags, and other safety devices, as determined by the
41 Department, and a requirement for a law enforcement escort or a vehicle being operated
42 by a certified escort vehicle operator if traveling between sunset and sunrise. To obtain
43 authorization to travel during restricted times, application shall be made with any
44 required documentation to the proper officials as designated by the Department. If an

1 emergency permit is issued under this subsection, the requestor shall contact the
 2 Department of Transportation's central permit office on the next business day to
 3 complete any further documentation and pay the applicable fees.

4 (b) Upon the issuance of a special permit for an oversize or overweight vehicle
 5 by the Department of Transportation in accordance with this section, the applicant shall
 6 pay to the Department for a single trip permit a fee of twelve dollars (\$12.00) for each
 7 dimension over lawful dimensions, including height, length, width, and weight up to
 8 132,000 pounds. For overweight vehicles, the applicant shall pay to the Department for
 9 a single trip permit in addition to the fee imposed by the previous sentence a fee of three
 10 dollars (\$3.00) per 1,000 pounds over 132,000 pounds.

11 Upon the issuance of an annual permit for a single vehicle, the applicant shall pay a
 12 fee in accordance with the following schedule:

Commodity:	Annual Fee:
14 Annual Permit to Move House Trailers	\$200.00
15 Annual Permit to Move Other Commodities	\$100.00

16 In addition to the fees set out in this subsection, applications for permits that require
 17 an engineering study for pavement or structures or other special conditions or
 18 considerations shall be accompanied by a nonrefundable application fee of one hundred
 19 dollars (\$100.00).

20 This subsection does not apply to farm equipment or machinery being used at the
 21 time for agricultural purposes, nor to the moving of a house as provided for by the
 22 license and permit requirements of Article 16 of this Chapter. Fees will not be assessed
 23 for permits for oversize and overweight vehicles issued to any agency of the United
 24 States Government or the State of North Carolina, its agencies, institutions,
 25 subdivisions, or municipalities if the vehicle is registered in the name of the agency.

26 (b1) Neither the Department nor the Board may require review or renewal of
 27 annual permits, with or without fee, more than once per calendar year.

28 (c) Nothing in this section shall require the Department of Transportation to issue
 29 any permit for any load.

30 (d) For each violation of any of the terms or conditions of a special permit issued
 31 or where a permit is required but not obtained under this section the Department of
 32 Crime Control and Public Safety may assess a civil penalty for each violation against
 33 the registered owner of the vehicle as follows:

- 34 (1) A fine of five hundred dollars (\$500.00) for any of the following:
 35 operating without the issuance of a permit, moving a load off the route
 36 specified in the permit, falsifying information to obtain a permit,
 37 failing to comply with dimension restrictions of a permit, or failing to
 38 comply with the number of properly certified escort vehicles required.
- 39 (2) A fine of two hundred fifty dollars (\$250.00) for moving loads beyond
 40 the distance allowances of an annual permit covering the movement of
 41 house trailers from the retailer's premises or for operating in violation
 42 of time of travel restrictions.
- 43 (3) A fine of one hundred dollars (\$100.00) for any other violation of the
 44 permit conditions or requirements imposed by applicable regulations.

1 The Department of Transportation may refuse to issue additional permits or suspend
2 existing permits if there are repeated violations of subdivision (1) or (2) of this
3 subsection. In addition to the penalties provided by this subsection, a civil penalty in
4 accordance with G.S. 20-118(e)(1) and (3) may be assessed if a vehicle is operating
5 without the issuance of a required permit, operating off permitted route of travel,
6 operating without the proper number of certified escorts as determined by the actual
7 loaded weight of the vehicle combination, fails to comply with travel restrictions of the
8 permit, or operating with improper license. Fees assessed for permit violations under
9 this subsection shall not exceed a maximum of twenty-five thousand dollars (\$25,000).

10 (e) It is the intent of the General Assembly that the permit fees provided in
11 G.S. 20-119 shall be adjusted periodically to assure that the revenue generated by the
12 fees is equal to the cost to the Department of administering the Oversize/Overweight
13 Permit Unit Program within the Division of Highways. At least every two years, the
14 Department shall review and compare the revenue generated by the permit fees and the
15 cost of administering the program, and shall report to the Joint Legislative
16 Transportation Oversight Committee created in G.S.120-70.50 its recommendations for
17 adjustments to the permit fees to bring the revenues and the costs into alignment.

18 (f) The Department of Transportation shall issue rules to establish an escort
19 driver training and certification program for escort vehicles accompanying
20 oversize/overweight loads. Any driver operating a vehicle escorting an
21 oversize/overweight load shall meet any training requirements and obtain certification
22 under the rules issued pursuant to this subsection. These rules may provide for
23 reciprocity with other states having similar escort certification programs. Certification
24 credentials for the driver of an escort vehicle shall be carried in the vehicle and be
25 readily available for inspection by law enforcement personnel. The escort and training
26 certification requirements of this subsection shall not apply to the transportation of
27 agricultural machinery until October 1, 2004. The Department of Transportation shall
28 develop and implement an in-house training program for agricultural machinery escorts
29 by September 1, 2004.

30 (g) The Department of Transportation shall issue annual overwidth permits for
31 vehicles carrying agricultural equipment or machinery from the dealer to the farm or
32 from the farm to the dealer that do not exceed 14 feet in width. These permits shall be
33 valid for unlimited movement without escorts on all State highways where the
34 overwidth vehicles do not exceed posted bridge and load limits.

35 (h) No law enforcement officer shall issue a citation to a person for a violation of
36 this section if the officer is able to determine by electronic means that the person has a
37 permit valid at the time of the violation but does not have the permit in his or her
38 possession. Any person issued a citation pursuant to this section who does not have the
39 permit in his or her possession at the time of the issuance of the citation shall not be
40 responsible for a violation, and the Department of Crime Control and Public Safety may
41 not impose any fines under this section if the person submits evidence to the
42 Department of the existence of a permit valid at the time of the violation within 30 days
43 of the date of the violation."

44 **SECTION 3.** This act is effective when it becomes law.