

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 331
Transportation Committee Substitute Adopted 3/28/95

Short Title: Truck Weight Tolerances Limits.

(Public)

Sponsors:

Referred to:

March 8, 1995

A BILL TO BE ENTITLED
AN ACT TO PROVIDE A LIMITED TOLERANCE FOR EXISTING TRUCK
WEIGHTS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-118(h) reads as rewritten:

"(h) Tolerance. – A vehicle may exceed the inner axle-group weight limitations set forth in subdivision (b)(3) of this section by a tolerance of ten percent (10%). This exception does not authorize a vehicle to exceed either the single-axle and tandem-axle weight limitations set forth in subdivisions (b)(1) and (b)(2) of this section, or the maximum gross weight limit of 80,000 pounds. This exception does not apply to bridges posted under G.S. 136-72 or to vehicles operating on interstate highways. The tolerance allowed under this subsection does not authorize the weight of a vehicle to exceed the weight for which that vehicle is licensed under G.S. 20-96. No tolerance on the single-axle weight, the tandem-axle weight, or axle-group weight or the tandem-axle weight provided for in ~~G.S. 20-118(b)~~ subdivisions (b)(1) and (b)(2) of this section shall be granted administratively or otherwise."

Sec. 2. G.S. 20-118(e) reads as rewritten:

"(e) Penalties. –

- 1 (1) Except as provided in subdivision (2) of this subsection, for each
2 violation of the single-axle or tandem-axle weight limits set in
3 subdivision (b)(1), (b)(2), or (b)(4) of this section, the Department of
4 Transportation shall assess a civil penalty against the owner or registrant
5 of the vehicle in accordance with the following schedule: for the first
6 1,000 pounds or any part thereof, four cents (4¢) per pound; for the next
7 1,000 pounds or any part thereof, six cents (6¢) per pound; and for each
8 additional pound, ten cents (10¢) per pound. These penalties apply
9 separately to each weight limit violated. In all cases of violation of the
10 weight limitation, the penalty shall be computed and assessed on each
11 pound of weight in excess of the maximum permitted.
- 12 (2) The penalty for a violation of the single-axle or tandem-axle weight
13 limits by a vehicle that is transporting an item listed in subdivision
14 (c)(5) of this section is one-half of the amount it would otherwise be
15 under subdivision (1) of this subsection.
- 16 (3) ~~Except as provided in subdivision (4) of this subsection, for a violation~~
17 ~~of an axle-group weight limit set in subdivision (b)(3) of this section,~~
18 ~~the Department of Transportation shall assess a civil penalty against the~~
19 ~~owner or registrant of the motor vehicle in accordance with the~~
20 ~~following schedule: for the first 2,000 pounds or any part thereof, two~~
21 ~~cents (2¢) per pound; for the next 3,000 pounds or any part thereof, four~~
22 ~~cents (4¢) per pound; for each pound in excess of 5,000 pounds, ten~~
23 ~~cents (10¢) per pound. These penalties apply separately to each axle-~~
24 ~~group weight limit violated. The penalty shall be assessed on each~~
25 ~~pound of weight in excess of the maximum permitted.~~
26 If an axle-group weight of a vehicle exceeds the weight limit set in
27 subdivision (b)(3) of this section plus any tolerance allowed in
28 subsection (h) of this section, the Department of Transportation shall
29 assess a civil penalty against the owner or registrant of the motor
30 vehicle. The penalty shall be assessed on the number of pounds by
31 which the axle-group weight exceeds the limit set in subdivision (b)(3),
32 as follows: for the first 2,000 pounds or any part thereof, two cents (2¢)
33 per pound; for the next 3,000 pounds or any part thereof, four cents (4¢)
34 per pound; for each pound in excess of 5,000 pounds, ten cents (10¢)
35 per pound. Tolerance pounds in excess of the limit set in subdivision
36 (b)(3) are subject to the penalty if the vehicle exceeds the tolerance
37 allowed in subsection (h) of this section. These penalties apply
38 separately to each axle-group weight limit violated.
- 39 (4) The penalty for a violation of an axle-group weight limit by a vehicle
40 that is transporting an item listed in subdivision (c)(5) of this section is
41 one-half of the amount it would otherwise be under subdivision (3) of
42 this subsection.

- 1 (5) A violation of a weight limit in this section is not punishable under G.S.
2 20-176."
3 Sec. 3. This act is effective upon ratification.