

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

S

3

**SENATE BILL 1043
Commerce Committee Substitute Adopted 6/24/04
House Committee Substitute Favorable 6/30/04**

Short Title: Aggregate Truck Weight Limits.

(Public)

Sponsors:

Referred to:

May 11, 2004

A BILL TO BE ENTITLED

1 AN ACT TO ADJUST THE WEIGHT LIMITS FOR TRUCKS TRANSPORTING
2 CERTAIN MATERIALS AND TO PROVIDE THAT A LAW ENFORCEMENT
3 OFFICER CANNOT ISSUE A CITATION TO A PERSON FOR FAILING TO
4 HAVE IN HIS POSSESSION A SPECIAL PERMIT FOR VEHICLES OF
5 EXCESSIVE SIZE AND WEIGHT IF THE OFFICER DETERMINES THAT THE
6 PERSON HAS BEEN ISSUED A PERMIT AND THE PERSON SUBMITS THE
7 PERMIT WITHIN THIRTY DAYS OF THE VIOLATION.
8

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** G.S. 20-118(c)(15) reads as rewritten:

11 "(15) Subsections (b) and (e) of this section do not apply to a vehicle or
12 vehicle combination that meets all of the conditions below, but all
13 other enforcement provisions of this Article remain applicable:

- 14 a. Is hauling wood residuals, including wood chips, sawdust,
15 mulch, or tree ~~bark~~. bark, or is transporting bulk soil, bulk rock,
16 sand, sand rock, or asphalt millings from a site that does not
17 have a certified scale for weighing the vehicle.
18 b. Does not operate on an interstate highway, a posted light-traffic
19 road, or a posted bridge.
20 c. Does not exceed a maximum gross weight 4,000 pounds in
21 excess of what is allowed in subsection (b) of this section.
22 d. Does not exceed a single-axle weight of more than 22,000
23 pounds and a tandem-axle weight of more than 42,000 pounds."

24 **SECTION 2.** G.S. 20-118(e) is amended by adding a new subdivision to

25 read:

26 "(6) The penalty for violating the gross weight or axle-group weight by a
27 dump truck or dump trailer vehicle transporting bulk soil, bulk rock,
28 sand, sand rock, or asphalt millings intrastate from a site that does not

1 have a certified scale for weighing the vehicle is one-half of the
2 amount it otherwise would be under subdivisions (1) and (3) of this
3 subsection."

4 **SECTION 3.** G.S. 20-119 is amended by adding a new subsection to read:

5 "(g) No law enforcement officer shall issue a citation to a person for a violation of
6 this section if the officer is able to determine by electronic means that the person has a
7 permit valid at the time of the violation but does not have the permit in his or her
8 possession. Any person issued a citation pursuant to this section who does not have the
9 permit in his or her possession at the time of the issuance of the citation shall not be
10 responsible for a violation, and the Department of Crime Control and Public Safety may
11 not impose any fines under this section if the person submits evidence to the
12 Department of the existence of a permit valid at the time of the violation within 30 days
13 of the date of the violation."

14 **SECTION 4.** Section 3 of this act becomes effective January 1, 2005. The
15 remainder of this act is effective when it becomes law.