

- 1 b. Meats or agricultural crop products originating from a farm to
- 2 first market.
- 3 c. ~~Unprocessed forest~~ Forest products originating from a farm or
- 4 from woodlands to first market.
- 5 d. Livestock or poultry from their point of origin to first market.
- 6 e. Livestock by-products or poultry by-products from their point of
- 7 origin to a rendering plant.
- 8 f. Recyclable material from its point of origin to a scrap-processing
- 9 facility for processing. As used in this subpart, the terms
- 10 'recyclable' and 'processing' have the same meaning as in G.S.
- 11 130A-290(a).
- 12 g. Garbage collected by the vehicle from residences or garbage
- 13 dumpsters if the vehicle is fully enclosed and is designed
- 14 specifically for collecting, compacting, and hauling garbage from
- 15 residences or from garbage dumpsters. As used in this subpart,
- 16 the term 'garbage' does not include hazardous waste as defined in
- 17 G.S. 130A-290(a), spent nuclear fuel regulated under G.S. 20-
- 18 167.1, low-level radioactive waste as defined in G.S. 104E-5, or
- 19 radioactive material as defined in G.S. 104E-5."

20 Section 3. G.S. 20-116(d) reads as rewritten:

21 "(d) A single vehicle having two or more axles shall not exceed ~~35 feet in length~~ the

22 following lengths of extreme overall dimensions inclusive of front and rear ~~bumpers~~.

23 bumpers:

<u>Axles</u>	<u>Length</u>
<u>2</u>	<u>35 feet</u>
<u>3</u>	<u>40 feet</u>
<u>4 or more</u>	<u>45 feet</u>

28 Provided, however, a bus or motor home with two axles shall not exceed 40 feet in length

29 overall of dimensions inclusive of front and rear bumpers. ~~A single vehicle having three~~

30 ~~axles shall not exceed 40 feet in length overall of dimensions inclusive of front and rear~~

31 ~~bumpers.~~ Provided, further, trucks transporting unprocessed cotton from farm to gin shall

32 not exceed 48 feet in length overall of dimensions inclusive of front and rear bumpers. A

33 truck-tractor and semitrailer shall be regarded as two vehicles for the purpose of

34 determining lawful length and license taxes."

35 Section 4. G.S. 20-382.2 reads as rewritten:

36 "**§ 20-382.2. Penalty for failure to comply with registration or insurance verification**

37 **requirements.**

38 (a) Acts. – A motor carrier who does any of the following is subject to a civil

39 penalty of ~~seventy-five dollars (\$75.00); one thousand dollars (\$1,000):~~

- 40 (1) Operates a for-hire motor vehicle in this State without registering its
- 41 operations, as required by this Part.
- 42 (2) Operates a for-hire motor vehicle in interstate commerce in this State
- 43 that does not carry a copy of either an insurance registration receipt

1 issued to the motor carrier or a cab card with an identification stamp
2 issued for the vehicle, as required by G.S. 20-382.

- 3 (3) Operates a for-hire motor vehicle in intrastate commerce in this State
4 for which it has not verified it has insurance, as required by G.S. 20-
5 382.1.

6 (b) Payment. – When the Division finds that a for-hire motor vehicle is operated in
7 this State in violation of the registration and insurance verification requirements of this
8 Part, the motor vehicle may not be driven for a purpose other than to park the motor
9 vehicle until the penalty imposed under this section is paid unless the officer that imposes
10 the penalty determines that operation of the motor vehicle will not jeopardize collection
11 of the penalty. A motor carrier that denies liability for a penalty imposed under this
12 section may pay the penalty under protest and apply to the Division for a hearing.

13 (c) Hearing. – Upon receiving a request for a hearing, the Commissioner ~~must~~ shall
14 schedule a hearing within 30 days after receipt of the request. If after the hearing the
15 Commissioner determines that the motor carrier was not liable for the penalty, the
16 amount collected ~~must~~ shall be refunded. If after the hearing the Commissioner
17 determines that the motor carrier was liable for the penalty, the motor carrier may bring
18 an action in the Superior Court of Wake County against the Division for refund of the
19 penalty. A court of this State may not issue a restraining order or an injunction to restrain
20 or enjoin the collection of the penalty or to permit the operation of the vehicle without
21 payment of the penalty.

22 (d) Proceeds. – A penalty imposed under this section is payable to the Division.
23 Penalties collected under this section shall be credited to the Highway Fund as nontax
24 revenue."

25 Section 5. The Division of Motor Vehicles shall study the feasibility of
26 establishing a staggered registration system for commercial motor vehicles under the
27 International Registration Plan (IRP). The registration plan shall be coordinated with
28 other states which currently stagger IRP registrations to eliminate, insofar as possible,
29 multiple application dates for the same carrier. The registration plan shall provide for a
30 smooth transition to the staggered system providing for credits and partial fees, as
31 needed. The Division shall report the results of this study along with any legislation to
32 implement the staggered registration system to the Joint Legislative Transportation
33 Oversight Committee and the Fiscal Research Division by April 1, 1998.

34 Section 6. The Legislative Research Commission may study the following
35 issues encouraging the growth of the trucking industry in North Carolina through
36 increased truck registrations:

- 37 (1) The feasibility of removing the highway use tax on vehicles with a
38 gross weight rating of more than 26,000 pounds;
- 39 (2) The replacement of the revenue from the removal of the highway use
40 tax studied in subdivision (1) of this section by an increase in
41 registration fees for the same vehicles by ten cents (10¢) per one
42 hundred pounds of registered weight; and

1 (3) Eliminate the stacking of overweight penalties by restricting the
2 penalties so that they do not exceed the highest axle-group weight
3 that exceeds the allowable limits rather than assessing separate
4 penalties for each axle-group and stacking those penalties for the
5 same weight violations.

6 The Legislative Research Commission may make an interim report of the study
7 authorized by this section to the 1998 Session of the General Assembly and may make a
8 final report to the 1999 Session of the General Assembly.

9 Section 7. Sections 5, 6, and 7 of this act are effective when this act becomes
10 law. Sections 1 through 4 of this act become effective October 1, 1997.