

NORTH CAROLINA GENERAL ASSEMBLY
1961 SESSION

CHAPTER 505
SENATE BILL 136

1 AN ACT REGULATING THE TRANSPORTATION OF MIGRATORY FARM WORKERS.

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3 The General Assembly of North Carolina do enact:
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5 **Section 1.** Definitions. Unless the context otherwise requires, the following terms
6 and phrases shall have, for the purpose of this Act, the following meaning:

- 7 a. "Migratory farm worker" means any individual being transported by motor
8 carrier to or from employment in agriculture.
- 9 b. "Motor carrier of migratory farm workers" means any person, firm or
10 corporation who or which for compensation transports at any one time in
11 North Carolina five (5) or more migratory farm workers to or from their
12 employment by any motor vehicle, other than a passenger automobile or
13 station wagon, except a migratory farm worker transporting himself or his
14 immediate family, but does not include any "common carrier" certified by
15 the North Carolina Utilities Commission or the Interstate Commerce
16 Commission; provided, the provisions of this Act shall not apply to the
17 transportation of migratory farm workers on a vehicle owned by a farmer
18 when such migratory farm workers are employed or to be employed by the
19 farmer to work on his own farm or farm controlled by him.
- 20 c. "Motor vehicle" means any vehicle which is self-propelled, and any vehicle
21 designed to run upon the highways which is pulled by a self-propelled
22 vehicle.

23 **Sec. 2.** Power to regulate carriers of migratory farm workers. Notwithstanding any
24 other provisions of this Chapter, the North Carolina Department of Motor Vehicles, hereinafter
25 referred to as "Department", is hereby vested with the power and duty to make and enforce
26 reasonable rules and regulations applicable to motor carriers of migratory farm workers to and
27 from their places of employment. The rules promulgated shall establish minimum standards:

- 28 a. For the construction and equipment of such vehicles, including coupling
29 devices, lighting equipment, exhaust systems, rear-vision mirrors, brakes,
30 steering mechanisms, tires, windshield wipers and warning devices.
- 31 b. For the operation of such vehicles, including driving rules, distribution of
32 passengers and load, maximum hours of service for drivers, minimum
33 requirements of age and skill of drivers, physical conditions of drivers and
34 permits, licenses or other credentials required of drivers.
- 35 c. For the safety and comfort of passengers in such vehicles, including
36 emergency kits, fire extinguishers, first aid equipment, side walls, seating
37 accommodations, tail gates or doors, rest and meal stops, maximum number
38 of passengers, and safe means of ingress and egress.

39 **Sec. 3.** Adoption of regulations; public hearings. The Department may adopt and
40 enforce rules and regulations promulgated by the Interstate Commerce Commission, insofar as
41 the Department finds such rules to be practicable in this State; shall conduct public hearings in
42 connections with the formulation and adoption of rules and regulations; and shall cause the
43 distribution of copies of such rules as are promulgated to interested persons and groups.

1 **Sec. 4.** Violation of regulations a misdemeanor. The violation of any rule or
2 regulation promulgated by the Department hereunder by any person, firm or corporation shall
3 be a misdemeanor, punishable by a fine of not more than fifty dollars (\$50.00) or by
4 imprisonment for a period of not more than 30 days, or by both such fine and imprisonment.

5 **Sec. 5.** Duties and powers of law enforcement officers. It shall be the duty of the
6 law enforcement officers of the State, and of each county, city, or town, to enforce the rules
7 promulgated hereunder in their respective jurisdictions; and such officers shall have the power
8 to stop any motor vehicle upon the highways of this State for the purpose of determining
9 whether or not such motor vehicle is being operated in violation of such rules.

10 **Sec. 6.** All laws and clauses of laws in conflict with this Act are hereby repealed.

11 **Sec. 7.** This Act shall be in full force and effect from and after its ratification.

12 In the General Assembly read three times and ratified, this the 26th day of May,
13 1961.