

GENERAL ASSEMBLY OF NORTH CAROLINA
1983 SESSION

CHAPTER 724
SENATE BILL 209

AN ACT TO AMEND THE MOTOR VEHICLE LAWS IN CHAPTER 20 OF THE GENERAL STATUTES TO CONFORM TRUCK WEIGHTS ON STATE HIGHWAYS TO THE FEDERAL BRIDGE FORMULA AND TO UPDATE THE STATUTE BY MAKING OTHER CHANGES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-118 is rewritten to read as follows:

"§ 20-118. Weight of vehicles and load. – (a) For the purposes of this section, the following definitions shall apply:

- (1) Single-axle weight. The gross weight transmitted by all wheels whose centers may be included between two parallel transverse vertical planes 40 inches apart, extending across the full width of the vehicle.
- (2) Tandem-axle weight. The gross weight transmitted to the road by two or more consecutive axles whose centers may be included between parallel vertical planes spaced more than 40 inches and not more than 96 inches apart, extending across the full width of the vehicle.
- (3) Axle group. Any two or more consecutive axles on a vehicle or combination of vehicles.
- (4) Gross weight. The weight of any single axle, tandem axle, or axle group of a vehicle or combination of vehicles plus the weight of any load thereon.
- (5) Light-traffic roads. Any highway on the State Highway System, excepting Routes designated I, U.S. or N.C., posted by the Department of Transportation to limit the axle weight below the statutory limits.

(b) The following weight limitations shall apply to vehicles operating on the highways of the State:

- (1) The single-axle weight of a vehicle or combination of vehicles shall not exceed 20,000 pounds.
- (2) The tandem-axle weight of a vehicle or combination of vehicles shall not exceed 34,000 pounds.
- (3) The gross weight imposed upon the highway by any axle group of a vehicle or combination of vehicles shall not exceed the maximum weight given for the respective distance between the first and last axle of the group of axles measured longitudinally to the nearest foot as set forth in the following table:

Distance	Maximum Weight in Pounds for any Group of Two or More
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Between Axles*	Consecutive Axles Including all Tolerances					
Axles*	2 Axles	3 Axles	4 Axles	5 Axles	6 Axles	7 Axles
4	34000					
5	34000					
6	34000					
7	34000\					
8	34000	34000				
9	39000	42500				
10	40000	43500				
11	44000					
12	45000	50000				
13	45500	50500				
14	46500	51500				
15	47000	52000				
16	48000	52500	58000			
17	48500	53500	58500			
18	49500	54000	59000			
19	50000	54500	60000			
20	51000	55500	60500	66000		
21	51500	56000	61000	66500		
22	52500	56500	61500	67000		
23	53000	57500	62500	68000		
24	54000	58000	63000	68500	74000	
25	54500	58500	63500	69000	74500	
26	55500	59500	64000	69500	75000	
27	56000	60000	65000	70000	75500	
28	57000	60500	65500	71000	76500	
29	57500	61500	66000	71500	77000	
30	58500	62000	66500	72000	77500	
31	59000	62500	67500	72500	78000	
32	60000	63500	68000	73000	78500	
33	64000	68500	74000	79000		
34	64500	69000	74500	80000		
35	65500	70000	75000			
36	66000**	70500	75500			
37	66500**	71000	76000			
38	67500**	72000	77000			
39	68000	72500	77500			
40	68500	73000	78000			
41	69500	73500	78500			
42	70000	74000	79000			
43	70500	75000	80000			
44	71500	75500				
45	72000	76000				

46	72500	76500
47	73500	77500
48	74000	78000
49	74500	78500
50	75500	79000
51	76000	80000
52	76500	
53	77500	
54	78000	
55	78500	
56	79500	
57	80000	

*Distance in Feet Between the Extremes of any Group of two or More Consecutive Axles.

**See exception in G.S. 20-118(c)(1).

- (4) The Department of Transportation may establish light-traffic roads and further restrict the axle weight limit on such light-traffic roads lower than the statutory limits. The Department of Transportation shall have authority to designate any highway on the State Highway System, excluding routes designated by I, U.S. and N.C., as a light- traffic road when in the opinion of the Department of Transportation, such road is inadequate to carry and will be injuriously affected by vehicles using the said road carrying the maximum axle weight. All such roads so designated shall be conspicuously posted as light-traffic roads and the maximum axle weight authorized shall be displayed on proper signs erected thereon.
- (c) Exceptions. The following exceptions apply to G.S. 20- 118(b) and G.S. 20-118(e).
 - (1) Two consecutive sets of tandem axles may carry a gross weight of 34,000 pounds each without penalty provided the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more.
 - (2) When a vehicle is operated in violation of G.S. 20- 118(b)(1), G.S. 20-118(b)(2), or G.S. 20-118(b)(3), but the gross weight of the vehicle or combination of vehicles does not exceed that permitted by G.S. 20-118(b)(3), the owner of the vehicle shall be permitted to shift the load within the vehicle, without penalty, from one axle to another to comply with the weight limits in the following cases:
 - a. Where the single-axle load exceeds the statutory limits, but does not exceed 21,000 pounds.
 - b. Where the vehicle or combination of vehicles has tandem axles, but the tandem-axle weight does not exceed 36,000 pounds.
 - (3) When a vehicle is operated in violation of G.S. 20- 118(b)(4) the owner of the vehicle shall be permitted, without penalty, to shift the

load within the vehicle from one axle to another to comply with the weight limits where the single-axle weight does not exceed the posted limit by 2,500 pounds.

- (4) A truck or other motor vehicle shall be exempt from such light-traffic road limitations provided for pursuant to G.S. 20-118(b)(4), when transporting supplies, material or equipment necessary to carry out a farming operation engaged in the production of meats and agricultural crops and livestock or poultry by-products or a business engaged in the harvest or processing of seafood when the destination of such vehicle and load is located solely upon said light-traffic road.
- (5) A truck or other motor vehicle shall be exempt from such light-traffic road limitations provided for pursuant to G.S. 20-118(b)(4), when transporting processed and unprocessed seafood from boats or any other point of origin, meats and agricultural crop products originating from a farm, or forest products originating from a farm or from woodlands, or livestock or poultry by-products from point of origin, on a light-traffic road to the nearest State maintained road which is not posted to prohibit the transportation of statutory load limits.
- (6) A truck or other motor vehicle shall be exempt from such light-traffic road limitations provided by G.S. 20-118(b)(4) when such motor vehicles are owned, operated by or under contract to a public utility, electric or telephone membership corporation or municipality and such motor vehicles are used in connection with installation, restoration or emergency maintenance of utility services.
- (7) A wrecker may tow a disabled vehicle or combination of vehicles in an emergency to the nearest feasible point for parking or storage without being in violation of G.S. 20-118 provided that the wrecker and towed vehicle or combination of vehicles otherwise meet all requirements of this section.

(d) The Department of Transportation is authorized to abrogate certain exceptions. The exceptions provided for in G.S. 20-118(c)(4) and G.S. 20-118(c)(5) as applied to any light-traffic road may be abrogated by the Department of Transportation upon a determination of the Department of Transportation that undue damage to such light-traffic road is resulting from such vehicles exempted by G.S. 20-118(c)(4) and G.S. 20-118(c)(5). In those cases where the exemption to the light-traffic roads are abrogated by the Department of Transportation, the Department shall post the road to indicate no exemptions.

(e) **Penalties.**

- (1) Except as provided in G.S. 20-118(e)(2), for each violation of the single-axle or tandem-axle weight limits as provided in G.S. 20-118(b)(1), G.S. 20-118(b)(2), and G.S. 20-118(b)(4), the owner or registrant of the vehicle shall pay to the Department of Transportation a civil penalty in accordance with the following schedule: for the first 1,000 pounds or any part thereof, four cents (4c) per pound; for the

next 1,000 pounds or any part thereof, six cents (6c) per pound; and for each additional pound, ten cents (10c) per pound. The foregoing schedule of penalties shall apply separately to each weight limit violated. In all cases of violation of the weight limitation, the penalty shall be computed and assessed on each pound of weight in excess of the maximum permitted in G.S. 20-118(b)(1), G.S. 20-118(b)(2), and G.S. 20-118(b)(4).

(2) For each violation of the single-axle or tandem- axle weight limit as provided in G.S. 20-118(b)(1) and G.S. 20-118(b)(2) by vehicles transporting processed and unprocessed seafood from boats or any other point of origin to a processing plant or a point of further distribution, meats and agricultural crop products originating from a farm, or forest products originating from a farm or from woodlands to first market, or livestock or poultry by-products from point of origin to a rendering plant, the owner or registrant of the vehicle shall pay to the Department a civil penalty which equals the amount produced by applying one-half of the rate indicated in the schedule in G.S. 20-118(e)(1) to the weight in pounds on each axle in excess of the maximum weight in pounds allowed under G.S. 20- 118 (b)(1) and G.S. 20-118(b)(2).

(3) Except as provided in G.S. 20-118(e)(4), for each violation of any axle-group weight limit as provided in G.S. 20-118(b)(3), the owner or registrant shall pay the Department of Transportation in accordance with the following schedule: for the first 2,000 pounds or any part thereof, two cents (2c) per pound, for the next 3,000 pounds or any part thereof, four cents (4c) per pound; for each pound in excess of 5,000 pounds, ten cents (10c) per pound. The schedule of penalties shall apply separately to each axle-group weight limit violated. The penalty shall be assessed on each pound of weight in excess of the maximum permitted in G.S. 20-118(b)(3).

(4) For each violation of any weight limit as provided in G.S. 20-118(b)(3) by vehicles transporting processed and unprocessed seafood from boats or any other point of origin to a processing plant or a point of further distribution, meats and agricultural crop products originating from a farm or forest products originating from a farm or woodlands to first market, or livestock or poultry by-products from point of origin to a rendering plant, the owner or registrant shall pay to the Department a civil penalty which equals the amount produced by applying one-half of the rate indicated in the schedule in G.S. 20-118(e)(3) to the weight in pounds on each axle group in excess of the maximum weight in pounds allowed under G.S. 20- 118(b)(3).

(5) The civil penalties provided in this section shall constitute the sole penalty for violations of G.S. 20-118(b)(1), G.S. 20-118(b)(2), G.S. 20-118(b)(3), G.S. 20-118(b)(4), G.S. 20-118(i), and G.S. 20- 118(j),

and violators thereof shall not be subject to criminal action except as provided in G.S. 20-96 and as provided in G.S. 136-72 for any vehicle or combination of vehicles exceeding the safe load carrying capacity for bridges on the State Highway System as established and posted by the Department of Transportation.

(f) Passenger buses are required to have a license issued by the Commissioner of Motor Vehicles to operate in North Carolina. For the purpose of issuing a license and determining the maximum weight to be allowed for passenger buses to be operated upon the highways of this State, a certificate showing the weight of such bus when fully equipped for the road shall be furnished the Commissioner of Motor Vehicles. Unless the applicant has a permit issued by the Department of Transportation, no license shall be issued to any passenger bus with two axles having a weight, when fully equipped for operation on the highways, of more than 22,500 pounds, and no license shall be issued for any passenger bus with three axles having a weight, when fully equipped for operation on the highways, of more than 30,000 pounds.

(g) G.S. 20-118 shall not be construed to permit the gross weight of any vehicle or combination in excess of the safe load carrying capacity established by the Department of Transportation on any bridge pursuant to G.S. 136-72.

(h) No tolerance on the single-axle weight, tandem-axle weight, or axle-group weight provided for in G.S. 20-118(b) shall be granted administratively or otherwise.

(i) The Department of Transportation is authorized to permit the operation on the highways of the State of certain vehicles pursuant to this subsection notwithstanding the provisions of G.S. 20-118(b). No vehicle or combination of vehicles in excess of the weight limitation provided by G.S. 20-118(b) shall operate on the Interstate highways, unless authorized by agreement with or approval of the United States Department of Transportation.

- (1) The Department of Transportation is authorized to enter into an agreement with or obtain the approval of the United States Secretary of Transportation on behalf of the State of North Carolina concerning the control of vehicle weight as provided for in Section 127 of Title 23 of the United States Code. The agreement or approval may provide as set out in G.S. 20-118(i)(2) for the continued operation of certain vehicles with axle and gross weights which could lawfully use the highways of this State on January 1, 1983, and which except for this subsection, would otherwise be illegal to operate on the highways of the State after October 1, 1983.
- (2) The following vehicles which were manufactured and licensed by the Division of Motor Vehicles prior to October 1, 1983, will be permitted to operate pursuant to this subsection:
 - a. four-axle vehicles with a tri-axle configuration,
 - b. five-axle vehicles or combination of vehicles designed solely for the transportation of liquids, or tankers designed for bulk hauling,
 - c. five-axle dump trucks with a tandem-axle configuration,

- d. three-axle vehicles with a 'dump' body or ready-mixed concrete units equipped with tandem axles,
- e. three-axle and five-axle vehicles engaged in the transportation of construction materials, and
- f. vehicles transporting raw and unprocessed agricultural or forest products. The authorization for vehicles to operate pursuant to G.S. 20-118(i)(2) on Interstate highways shall terminate October 1, 1988.

(3) The authorization, regulations, penalties and termination of authorization as provided for by the agreement with or approval from the United States Secretary of Transportation shall apply to Interstate highways of the State.

(4) Vehicles operating pursuant to G.S. 20-118(i)(2) shall be subject to the penalties for axle weight, tandem-axle weight and gross vehicle weight for exceeding weights permitted by this subsection at the same rate as is provided for by G.S. 20-118(e).

(5) The Department of Transportation is authorized to promulgate rules and regulations to carry out the provisions of G.S. 20-118(i) and to insure compliance with the agreement with or approval of the United States Secretary of Transportation. The Department of Transportation shall take such action in the name of the State of North Carolina as is necessary to comply with the terms of the agreement entered into with or approval of the United States Secretary of Transportation pursuant to this subsection.

(6) Vehicles described in G.S. 20-118(i)(2) shall be permitted to operate on all streets and highways of North Carolina, except Interstate highways until October 1, 1993, subject to light-traffic road limitation, and subject to the penalties for axle weight, tandem-axle weight and gross vehicle weight for exceeding weights permitted by this subsection at the same rate as is provided for by G.S. 20-118(e).

(j)

(1) Vehicles with tandem axles which were manufactured and licensed by the Division of Motor Vehicles prior to October 1, 1983, may continue to operate on the highways of the State with tandem-axle loads of 38,000 pounds in accordance with the provisions of G.S. 20-118(j).

(2) Vehicles operating pursuant to G.S. 20-118(j) are subject to the following limitations, conditions and penalties:

- a. the single-axle weight shall not exceed 20,000 pounds; except on light-traffic roads, the single-axle weight shall not exceed the posted limits;
- b. the axle group weight limitation shall be the same as is provided in G.S. 20-118(b)(3);

- c. the penalties for exceeding the single-axle weight limitation and the axle group weight limitation shall be the same as is provided in G.S. 20-118(e);
 - d. the penalties for loads on tandem axles exceeding 38,000 pounds shall be at the same rate as is provided in G.S. 20-118(e) for tandem-axle loads, provided the owner or registrant shall be permitted to shift the load to avoid a penalty on the tandem axle if the gross weight of the vehicle is within the legal load limit provided in G.S. 20-118(i)(1) and the tandem-axle weight does not exceed 40,000 pounds.

(3) The exemption authorized by this subsection shall terminate October 1, 1993."

Sec. 2. G.S. 20-116(e), as it appears in the 1981 Cumulative Supplement to Volume 1C of the North Carolina General Statutes, is amended by repealing: (a) all of line 16 following the "storage", all of lines 17 through 22 and the words "erected thereon" in line 23; (b) the words "The operation of any" in line 25, all of lines 26 through 34, and all of line 35 preceding the words "Provided further".

Sec. 3. This act shall become effective October 1, 1983.

In the General Assembly read three times and ratified, this the 11th day of July, 1983.