

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 382
Committee Substitute Favorable 7/11/91

Short Title: No Stacking of Overweight Penalties.

(Public)

Sponsors:

Referred to:

March 28, 1991

A BILL TO BE ENTITLED

AN ACT TO PROHIBIT THE STACKING OF OVERWEIGHT PENALTIES.

The General Assembly of North Carolina enacts:

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

"(e) Penalties. –

(1) Except as provided in ~~G.S. 20-118(e)(2), subdivision (2) of this subsection, for each a~~ violation of the single-axle or tandem-axle weight limits as ~~provided in G.S. 20-118(b)(1), 20-118(b)(2), and 20-118(b)(4), the owner or registrant of the vehicle shall pay to set in~~ subdivisions (b)(1), (b)(2), or (b)(4) of this section, the Department of Transportation shall assess a civil penalty against the owner or registrant of the motor vehicle in accordance with the following schedule: for the first 1,000 pounds or any part thereof, four cents (4¢) per pound; for the next 1,000 pounds or any part thereof, six cents (6¢) per pound; and for each additional pound, ten cents (10¢) 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), 20-118(b)(2), and 20-118(b)(4). The penalty may not exceed the amount computed on the highest axle-group weight that exceeds the allowable limit.

(2) For ~~each a~~ violation of the single-axle or tandem-axle weight ~~limit as provided in G.S. 20-118(b)(1) and 20-118(b)(2) by vehicles~~ limits set in

1 subdivisions (b)(1) or (b)(2) of this section by a motor vehicle that is
2 transporting processed ~~and or~~ unprocessed seafood from boats or any
3 other point of origin to a processing plant or a point of further
4 distribution, meats ~~and or~~ agricultural crop products originating from a
5 farm, ~~or farm to first market,~~ forest products originating from a farm or
6 from woodlands to first market, or livestock or poultry by-products
7 from ~~their~~ point of origin to a rendering plant, or ~~that is fully enclosed~~
8 motor ~~vehicles enclosed,~~ is designed specifically for collecting,
9 ~~compacting~~ compacting, and hauling garbage from ~~residences,~~
10 ~~residences~~ or from garbage dumpsters ~~when operating for those purposes,~~
11 ~~dumpsters,~~ and is being operated for that purpose, the owner or
12 registrant of the vehicle shall pay to the Department of Transportation
13 shall assess a civil penalty ~~which equals~~ against the owner or registrant
14 of the motor vehicle equal to the amount produced by applying one-
15 half of the rate indicated in the schedule in G.S. ~~20-118(e)(1)~~
16 subdivision (1) of this subsection. ~~to the weight in pounds on each axle in~~
17 ~~excess of the maximum weight in pounds allowed under G.S. 20-118(b)(1)~~
18 ~~and 20-118(b)(2).~~

19 (3) Except as provided in G.S. ~~20-118(e)(4),~~ subdivision (4) of this
20 subsection, for each a violation of any an axle-group weight limit as
21 provided in G.S. 20-118(b)(3), set in subdivision (b)(3) of this section,
22 the owner or registrant shall pay the Department of Transportation shall
23 assess a civil penalty against the owner or registrant of the motor
24 vehicle in accordance with the following schedule: for the first 2,000
25 pounds or any part thereof, ~~thereof in excess of the limit,~~ two cents (2¢)
26 per ~~pound,~~ pound; for the next 3,000 pounds or any part thereof, four
27 cents (4¢) per pound; for each pound in excess of 5,000 pounds, ten
28 cents (10¢) per pound. The schedule of penalties shall apply separately to
29 each axle group weight limit violated. The penalty shall be assessed on each
30 pound of weight in excess of the maximum permitted in G.S. 20-118(b)(3).
31 The penalty may not exceed the amount computed on the highest axle-
32 group weight that exceeds the allowable limit.

33 (4) For each a violation of any weight limit as provided in G.S. 20-118(b)(3)
34 by ~~vehicles~~ set in subdivision (b)(3) of this section by a motor vehicle
35 that is transporting processed ~~and or~~ unprocessed seafood from boats
36 or any other point of origin to a processing plant or a point of further
37 distribution, meats ~~and or~~ agricultural crop products originating from a
38 farm ~~or to first marker,~~ forest products originating from a farm or
39 woodlands to first market, or livestock or poultry by-products from
40 ~~their~~ point of origin to a rendering plant, or ~~that is fully enclosed~~ motor
41 ~~vehicles enclosed,~~ is designed specifically for collecting, ~~compacting~~
42 ~~compacting,~~ and hauling garbage from ~~residences,~~ ~~residences~~ or from
43 garbage dumpsters ~~when operating for those purposes,~~ the owner or
44 registrant shall pay to ~~dumpsters,~~ and is being operated for that purpose,

1 the Department of Transportation shall assess a civil penalty which
2 equals against the owner or registrant of the motor vehicle equal to the
3 amount produced by applying one-half of the rate indicated in the
4 schedule in ~~G.S. 20-118(e)(3) to the weight in pounds on each axle group in~~
5 ~~excess of the maximum weight in pounds allowed under G.S. 20-118(b)(3).~~
6 subdivision (3) of this subsection.

7 (5) The civil penalties provided in this section shall constitute the sole
8 penalty for violations of ~~G.S. 20-118(b)(1), 20-118(b)(2), 20-118(b)(3),~~
9 ~~20-118(b)(4), 20-118(i), and 20-118(j) limits in this section~~ and violators
10 thereof shall not be subject to criminal action except as provided in
11 G.S. 20-96 and as provided in G.S. 136-72 for any vehicle or
12 combination of vehicles exceeding the safe load carrying capacity for
13 bridges on the State Highway System as established and posted by the
14 Department of Transportation."

15 Sec. 2. This act is effective upon ratification.