

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 105

Short Title: Federal Motor Carrier Safety/PRISM. (Public)

Sponsors: Senators J. Jackson, J. Davis, and Britt (Primary Sponsors).

Referred to: Rules and Operations of the Senate

February 25, 2019

A BILL TO BE ENTITLED

AN ACT TO IMPLEMENT REQUIREMENTS OF THE FEDERAL MOTOR CARRIER  
SAFETY ADMINISTRATION'S PERFORMANCE AND REGISTRATION  
INFORMATION SYSTEMS MANAGEMENT (PRISM) PROGRAM.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 3 of Chapter 20 of the General Statutes is amended by adding  
a new section to read:

**"§ 20-43.3. Authorization for the collection of data to enforce the Federal Motor Carrier  
Safety Administration's Performance and Registration Information Systems  
Management (PRISM) program.**

The Division is authorized to collect and maintain necessary motor carrier or commercial  
motor vehicle data in a manner that complies with the information system established by the  
United States Secretary of Transportation under 49 U.S.C. § 31106."

**SECTION 2.** G.S. 20-54(9) reads as rewritten:

"(9) The applicant motor carrier is subject to an order issued by the Federal Motor Carrier  
Safety Administration or the ~~Division to cease all operations based on a finding that the continued  
operations of the motor carrier pose an "imminent hazard" as defined in 49 C.F.R. §  
386.72(b)(1)-Division.~~ The Division shall deny registration of a vehicle of a motor carrier if the  
applicant fails to disclose material information required, or if the applicant has made a materially  
false statement on the application, or if the applicant has applied as a subterfuge for the real party  
in interest who has been issued a Federal out-of-service order, or if the applicant's business is  
operated, managed, or otherwise controlled or affiliated with a person who is ineligible for  
registration, including the applicant entity, a relative, family member, corporate officer, or  
shareholder. The Department shall deny registration for a vehicle that has been assigned for  
safety to a commercial motor carrier who has been prohibited from operating by the Federal  
Motor Carrier Safety Administration or a carrier whose business is operated, managed, or  
otherwise controlled or affiliated with a person who is ineligible for registration, including the  
owner, a relative, family member, corporate officer, or shareholder."

**SECTION 3.** G.S. 20-110 reads as rewritten:

"...

(m) The Division shall rescind and cancel the registration of vehicles of a motor carrier  
that is ~~the subject to an of an order issued by the Federal Motor Carrier Safety Administration or  
the Division to cease all operations based on a finding that the continued operations of the motor  
carrier pose an "imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1)-Division.~~

(n) The Division shall rescind and cancel the registration of a vehicle of a motor carrier  
if the applicant fails to disclose material information required, or if the applicant has made a



1 materially false statement on the application, or if the applicant has applied as a subterfuge for  
2 the real party in interest who has been issued a Federal out-of-service order, or if the applicant's  
3 business is operated, managed, or otherwise controlled or affiliated with a person who is  
4 ineligible for registration, including the applicant entity, a relative, family member, corporate  
5 officer, or shareholder. The Division shall rescind and cancel the registration for a vehicle that  
6 has been assigned for safety to a commercial motor carrier who has been prohibited from  
7 operating by the Federal Motor Carrier Safety Administration or a carrier whose business is  
8 operated, managed, or otherwise controlled or affiliated with a person who is ineligible for  
9 registration, including the owner, a relative, family member, corporate officer, or shareholder."

10 **SECTION 4.** G.S. 20-381(a) reads as rewritten:

11 "(a) The Department of Public Safety has the following powers and duties concerning  
12 motor carriers:

- 13 ...
- 14 (4) To determine the safety fitness of intrastate motor carriers, to assign safety  
15 ratings to intrastate motor carriers as defined in 49 C.F.R. § 385.3, to direct  
16 intrastate motor carriers to take remedial action when required, to prohibit the  
17 operation of intrastate motor carriers ~~rated unsatisfactory, to determine~~  
18 ~~whether the continued operations of intrastate motor carriers pose an~~  
19 ~~"imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1), and to prohibit the~~  
20 ~~operation of an intrastate motor carrier found to be an "imminent hazard" as~~  
21 ~~defined in 49 C.F.R. § 386.72(b)(1).~~ when subject to an out-of-service order  
22 issued by the Federal Motor Carrier Safety Administration or the department.
- 23 (5) ~~To prohibit the intrastate operation of a motor carrier subject to an enforce any~~  
24 ~~order issued by the Federal Motor Carrier Safety Administration to cease all~~  
25 ~~operations based on a finding that the continued operations of the motor~~  
26 ~~carrier pose an "imminent hazard" as defined in 49 C.F.R. §~~  
27 ~~386.72(b)(1).~~ including the authority to seize registration plates pursuant to the  
28 provisions of G.S. 20-45 from motor carriers whose registration was rescinded  
29 and cancelled pursuant to G.S. 20-110(m) or G.S. 20-110(n)."

30 **SECTION 5.** This act is effective 90 days after it becomes law.