

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1226

Short Title: Overloading Motor Vehicles.

(Public)

Sponsors: Representatives Cole; and Bowman.

Referred to: Rules, Calendar, and Operations of the House.

May 3, 1993

A BILL TO BE ENTITLED

AN ACT REGARDING OVERLOADING OF MOTOR VEHICLES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-96 reads as rewritten:

"§ 20-96. **Overloading.**

It is the intent of this section that every owner of a motor vehicle shall procure license in advance to cover the empty weight and maximum load which may be carried. Any owner failing to do so, and whose vehicle shall be found in operation on the highway over the weight for which such vehicle is licensed, shall pay the penalties prescribed in G.S. 20-118(e)(3). Nonresidents operating under the provisions of G.S. 20-83 shall be subject to the additional tax provided in this section when their vehicles are operated in excess of the licensed weight or, regardless of the licensed weight, in excess of the maximum weight provided for in G.S. 20-118. Any resident or nonresident owner of a vehicle that is found in operation on a highway designated by the Board of Transportation as a light traffic highway, and along which signs are posted showing the maximum legal weight on said highway with a load in excess of the weight posted for said highway, shall be subject to the penalties provided in G.S. 20-118(e)(1). Any person who shall willfully violate the provisions of this section shall be guilty of a misdemeanor in addition to being liable for the additional tax herein prescribed.

Any peace officer who discovers a property-hauling vehicle being operated on the highways with an overload as described in this section or which is equipped with improper registration plates, or the owner of which is liable for any overload penalties or any other penalties or assessments made pursuant to this Chapter applicable to the any vehicle owned by that owner and which has remained due and unpaid for more than

1 30 days, is hereby authorized to seize said property-hauling vehicle and hold the same
2 ~~until~~until:

3 (1) The penalties and assessments owed under this Chapter have been
4 paid, along with a twenty-five dollar (\$25.00) late payment fee if the
5 penalties and assessments have not been paid within 30 days, and
6 interest on the unpaid penalties and assessments computed at an annual
7 percentage rate of the prime rate plus five percent (5%); and

8 (2) Either:

9 a. ~~the~~ The overload has been removed~~removed~~; or

10 b. ~~proper~~ Proper registration plates therefor have been secured and
11 attached ~~thereto and the penalties owed under this section and~~
12 ~~G.S. 20-118.3 have been paid.~~ thereto.

13 Any peace officer seizing a property-hauling vehicle under this provision, may, when
14 necessary, store said vehicle and the owner thereof shall be responsible for all
15 reasonable storage charges thereon. When any property-hauling vehicle is seized, held,
16 unloaded or partially unloaded under this provision, the load or any part thereof shall be
17 cared for by the owner or operator of the vehicle without any liability on the part of the
18 officer or of the State or any municipality because of damage to or loss of such load or
19 any part thereof."

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