

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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HOUSE BILL 1226
Committee Substitute Favorable 7/23/93
Third Edition Engrossed 7/23/93

Short Title: Overloading Motor Vehicles.

(Public)

Sponsors:

Referred to:

May 3, 1993

A BILL TO BE ENTITLED

AN ACT TO ALLOW SEIZURE OF VEHICLES WHEN OWNERS FAIL TO PAY
PENALTIES FOR OVERLOADING OF MOTOR VEHICLES.

The General Assembly of North Carolina enacts:

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

"§ 20-96. Overloading- Seizure of overloaded vehicles or when penalties delinquent.

~~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.~~

~~(a) Seizure of Vehicle. -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~~

1 ~~equipped with improper registration plates, or the owner of which is liable for any~~
2 ~~overload penalties or assessments applicable to the vehicle and due and unpaid for more~~
3 ~~than 30 days, is hereby authorized to seize said property hauling vehicle and hold the~~
4 ~~same until the overload has been removed or proper registration plates therefor have~~
5 ~~been secured and attached thereto and the penalties owed under this section and G.S.~~
6 ~~20-118.3 have been paid. A law enforcement officer may seize a property-hauling~~
7 ~~vehicle being operated on the highways of the State when any of the following occur:~~

8 (1) The property-hauling vehicle is being operated in excess of the gross
9 vehicle weight rating.

10 (2) The property-hauling vehicle is being operated with an overload in
11 violation of G.S. 20-118.

12 (3) Any property-hauling vehicle owned by a resident or nonresident is
13 being operated in this State, and the owner is more than 30 days
14 delinquent in payment of penalties owed for previous violations under
15 this Chapter.

16 If the property-hauling vehicle is seized for a reason described in subdivision (1) or (2),
17 it may be held until the excess or overload is removed. If the property-hauling vehicle
18 is seized for the reason described in subdivision (3), it may be held until the delinquent
19 penalties and a late payment fee of twenty-five dollars (\$25.00) are paid.

20 (b) Storage of Vehicle. – Any ~~peace officer~~ law enforcement officer seizing a
21 property-hauling vehicle under this ~~provision, section,~~ may, when necessary, store said
22 the vehicle and the owner thereof shall be responsible for all reasonable storage charges
23 thereon. ~~charges.~~ When any property-hauling vehicle is seized, held, ~~unloaded~~ unloaded,
24 or partially unloaded under this ~~provision, section,~~ the load or any part thereof of the load
25 shall be cared for by the owner or operator of the ~~vehicle~~ vehicle. ~~without any liability on~~
26 the part of the ~~The officer or of officer,~~ the State ~~State,~~ or any municipality shall not be
27 liable because of damage to or loss of ~~such the~~ load or any part thereof. ~~of the load.~~"

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