

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1997

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HOUSE BILL 1224

Short Title: Truck Safety Act.

(Public)

Sponsors: Representatives Luebke; Alexander, Boyd-McIntyre, Braswell, Church, Cunningham, Earle, Easterling, Fitch, Hensley, Hill, Hurley, Insko, Jeffus, McAllister, Michaux, Miller, Mosley, Oldham, Redwine, Sutton, Wainwright, and Wright.

Referred to: Transportation, if favorable, Appropriations.

May 5, 1997

A BILL TO BE ENTITLED

1
2 AN ACT TO IMPROVE THE SAFETY OF THE OPERATION OF TRUCKS IN
3 NORTH CAROLINA AND TO INCREASE THE SAFETY OF TIRES ON ALL
4 MOTOR VEHICLES.

5 The General Assembly of North Carolina enacts:

6 PART I. TRUCK SAFETY INSPECTOR FUNDS.

7 Section 1. There is appropriated from the Highway Fund to the Division of
8 Motor Vehicles the sum of ninety-nine thousand six hundred fifty-four dollars (\$99,654)
9 for the 1997-98 fiscal year and the sum of ninety-one thousand three hundred fifty-eight
10 dollars (\$91,358) for the 1998-99 fiscal year for two additional inspectors to follow up
11 truck inspection violations.

12 PART II. BRAKE SAFETY VIOLATION PENALTIES INCREASED.

13 Section 2. G.S. 20-124 is amended by adding a new subsection to read:

14 "(i) A first violation of any of the requirements of this section shall be a Class 2
15 misdemeanor. Second and subsequent offenses charged against a driver, when the driver
16 and the vehicle that was previously the subject of a violation of this section shall be a
17 Class A1 misdemeanor and shall, upon conviction, be punished in accordance with G.S.
18 15A-1340.23."

1 PART III. OFFENSE OF DRIVING A TRUCK WITHOUT AN INSPECTION
2 STICKER.

3 Section 3. G.S. 20-183.8 is amended by adding a new subsection to read:

4 "(b1) Misdemeanor. – A person who has previously been charged and been found
5 responsible for an infraction under subsection (a) of this section who operates the same
6 vehicle without that vehicle having been inspected in accordance with this Part is guilty
7 of a Class A1 misdemeanor and shall, upon conviction, be punished in accordance with
8 G.S. 15A-1340.23."

9 PART IV. REMOVAL OF UNSAFE VEHICLES.

10 Section 4. Chapter 20 of the General Statutes is amended by adding a new
11 section to read:

12 "**§ 20-183.8F. Removal of unsafe and uninspected vehicles from highway or public**
13 **vehicular area.**

14 When a law enforcement officer cites a driver for operating a motor vehicle that is
15 subject to inspection under this Part for not having been inspected as evidenced by the
16 vehicle's lack of a current inspection sticker pursuant to G.S. 20-183.8(a)(1), and that
17 officer determines that the continued operation of the vehicle would constitute a hazard to
18 the motoring public, the officer may order that vehicle towed from the highway or public
19 vehicular area."

20 PART V. SAFE TIRES.

21 Section 5. G.S. 20-122.1(a) reads as rewritten:

22 "(a) Every motor vehicle subject to safety equipment inspection in this State and
23 operated on the streets and highways of this State shall be equipped with tires which are
24 safe for the operation of the motor vehicle and which do not expose the public to needless
25 hazard. Tires shall be considered unsafe if cut so as to expose tire cord, cracked so as to
26 expose tire cord, or worn so as to expose tire cord or there is a visible tread separation or
27 chunking or the tire has less than two thirty-seconds inch tread depth at two or more
28 locations ~~around the circumference of~~ on the tire in two adjacent major tread grooves, or if
29 the tread wear indicators are in contact with the roadway at two or more locations ~~around~~
30 ~~the circumference of the tire~~ in two adjacent major tread grooves: Provided, the two thirty-
31 seconds tread depth requirements of this section shall not apply to dual wheel trailers.
32 Provided further that as to trucks owned by farmers and operated exclusively in the
33 carrying and transportation of the owner's farm products which are approved for daylight
34 use only and which are equipped with dual wheels, the tread depth requirements of this
35 section shall not apply to more than one wheel in each set of dual wheels. For the
36 purpose of this section, the following definitions shall apply:

- 37 (1) 'Chunking' – separation of the tread from the carcass in particles which
38 may range from very small size to several square inches in area.
39 (2) 'Cord' – strands forming a ply in a tire.
40 (3) 'Tread' – portion of tire which comes in contact with road.
41 (4) 'Tread depth' – the distance from the base of the tread design to the top
42 of the tread."

43 PART VI. COMMERCIAL GRADUATED DRIVERS LICENSE.

1 Section 6. G.S. 20-37.13(e) reads as rewritten:

2 "(e) A commercial driver learner's permit may be issued to an individual who holds
3 a regular Class C drivers license and has passed the knowledge test for the class and type
4 of commercial motor vehicle with a gross weight of less than 4,000 pounds that the
5 individual will be driving. The permit is valid for a period not to exceed six months and
6 may be renewed or reissued only once within a two-year period. The fee for a
7 commercial driver learner's permit is the same as the fee set by G.S. 20-7 for a regular
8 learner's permit. G.S. 20-7(m) governs the issuance of a restricted instruction permit for a
9 prospective school bus driver."

10 Section 7. G.S. 20-37.13 is amended by adding a new subsection to read:

11 "(f) Safe driving requires instruction in driving and experience. To ensure that a
12 person has both instruction and experience before obtaining a commercial drivers license
13 for the operation of a commercial vehicle with a gross weight of 4,000 pounds or more
14 GVWR, driving privileges are granted first on a limited basis and are then expanded in
15 accordance with the following process: (i) Level 1. – Driving with a limited commercial
16 learner's permit and (ii) Level 2. – Driving with a limited commercial license.
17 A permit or license issued under this section must have a color background or border that
18 indicates the level of driving privileges granted by the permit or license.

19 (1) Level 1. – A person may obtain a limited commercial learner's permit if
20 the person meets all of the following requirements:

- 21 a. Passes a knowledge test for the class and type of commercial
22 motor vehicle the individual will be driving; and
23 b. Holds a regular Class C drivers license.
24 c. Level 1 restrictions. – A limited commercial learner's permit
25 authorizes the permit holder to drive a specified type or class of
26 motor vehicle only under the following conditions:
27 1. The permit holder must be in possession of the permit.
28 2. A supervising driver must be seated beside the permit
29 holder in the vehicle when it is in motion. No person
30 other than the supervising driver can be in the front seat.
31 3. For the first six months after issuance, the permit holder
32 may drive only between the hours of 5:00 a.m. and 9:00
33 p.m.
34 4. After the first six months after issuance, the permit holder
35 may drive at any time.

36 (2) Level 2. – A person may obtain a limited commercial license if the
37 person meets all of the following requirements:

- 38 a. Has held a limited commercial learner's permit issued by the
39 Division for at least 12 months.
40 b. Has not been convicted of a motor vehicle moving violation
41 during the preceding six months.
42 c. Passes skills test administered by the Division as required by
43 subdivision (a)(3) of this section.

1 d. Level 2 restrictions. – A limited commercial license authorizes
2 the license holder to drive a specified type or class of motor
3 vehicle only under the following conditions:

4 1. The license holder must be in possession of the license.

5 2. The license holder may drive without supervision from
6 5:00 a.m. to 9:00 p.m.

7 3. The license holder may drive with supervision at any time.

8 (3) Application. – An application for a permit or license authorized by this
9 subsection shall be signed by both the applicant and another person.
10 That person shall be the person who shall be responsible for supervision
11 of the applicant.

12 (4) Duration and fee. – A commercial permit or license issued pursuant to
13 this subsection is valid for six months and may only be renewed or
14 issued once in a two-year period. The fee for a commercial permit or
15 license issued pursuant to this subsection is ten dollars (\$10.00)."

16 PART VII. SPEEDING IN WORK ZONES.

17 Section 8. G.S. 20-141(j2) reads as rewritten:

18 "(j2) A person who drives a motor vehicle in a highway work zone at a speed
19 greater than the speed limit set and posted under G.S. 20-141 ~~is~~ is, in addition to any
20 other offense committed within the highway work zone, responsible for an infraction of
21 'Speeding in a Highway Work Zone' and is ~~shall be required to pay a penalty of one~~
22 hundred dollars (\$100.00)–(\$100.00) in addition to any other penalty imposed. The one
23 hundred dollars (\$100.00) is a penalty that is to be added to, and not substituted for, the
24 penalty for exceeding the posted speed limit. A 'highway work zone' is the area between
25 the first sign that informs motorists of the existence of a work zone on a highway and the
26 last sign that informs motorists of the end of the work zone. This subsection applies only
27 if a sign posted at the beginning of the highway work zone states the penalty for speeding
28 in the work zone."

29 PART VIII. WATER AND PHYSICAL ELEMENT DEFLECTORS.

30 Section 9. Chapter 20 of the General Statutes is amended by adding a new
31 section to read:

32 **"§ 20-124.1. Water and physical element deflectors.**

33 All State-owned vehicles over 16,000 pounds GVWR shall have water and physical
34 element deflectors (bristle type) for the side and rear of all tires. Rear deflectors shall
35 extend to within six inches of the roadway when the vehicle is stopped. Side deflectors
36 shall be installed to the exterior of the fender or body extremities but not more than three
37 inches beyond these extremities."

38 Section 10. The Department of Transportation shall report on the effectiveness
39 of the requirement for water and physical element deflectors on reducing truck accidents
40 to the Joint Legislative Transportation Oversight Committee by March 31, 2000, and
41 shall make a recommendation on whether or not to repeal the expiration of Section 9 of
42 this act, if warranted.

43 EFFECTIVE DATES.

1 Section 11. This act is effective when it becomes law. Section 1 of this act
2 becomes effective July 1, 1997. Sections 2 through 8 become effective January 1, 1998.
3 Section 9 of this act becomes effective January 1, 1998, and expires June 30, 2000.