

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.