

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2011

S

D

SENATE BILL 749  
PROPOSED COMMITTEE SUBSTITUTE S749-PCS15154-RWf-24

Short Title: Modify Weight Limits for Farm Operations.

(Public)

Sponsors:

Referred to:

April 20, 2011

A BILL TO BE ENTITLED

AN ACT TO PROVIDE FOR INCREASED TRANSPORTATION EFFICIENCY FOR BRINGING AGRICULTURAL PRODUCTS TO A MARKETPLACE BY MODIFYING THE TYPES OF ITEMS THAT MAY BE TRANSPORTED BY A FARMER WITHOUT HAVING TO PAY A REGISTRATION FEE FOR A TRAILER OR SEMITRAILER; TO MODIFY THE REGISTRATION REQUIREMENTS FOR PROPERTY HAULING VEHICLES TO ENSURE THEY ARE REGISTERED FOR THE MAXIMUM WEIGHT ALLOWABLE FOR THE VEHICLE BEING OPERATED; AND TO MODIFY THE EXCEPTIONS TO THE MAXIMUM WEIGHT ALLOWED ON LIGHT ROADS FOR A PERSON TRANSPORTING AGRICULTURAL PRODUCTS AND RESIDUALS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-51(6) reads as rewritten:

"(6) Any trailer or semitrailer attached to and drawn by a properly licensed motor vehicle when used by a farmer, his tenant, agent, or employee in transporting unginning cotton, peanuts, soybeans, corn, hay, tobacco, silage, cucumbers, potatoes, all vegetables, fruits, greenhouse and nursery plants and flowers, Christmas trees, livestock, live poultry, animal waste, herbicides, fungicides, seeds, fertilizers or chemicals purchased or owned by the farmer or tenant for personal use in implementing husbandry, irrigation pipes, loaders, or equipment owned by the farmer or tenant from place to place on the same farm, from one farm to another, from farm to gin, from farm to dryer, or from farm to market, and when not operated on a for-hire basis. The term "transporting" as used herein shall include the actual hauling of said products and all unloaded travel in connection therewith."

**SECTION 2.** G.S. 20-88 is amended by adding a new subsection to read:

"(m) Any vehicle weighing greater than the limits found in G.S. 20-118(b), as authorized by G.S. 20-118(c)(12), (c)(14), and (c)(15), must be registered for the maximum weight allowed for the vehicle configuration as listed in G.S. 20-118(b). A vehicle driven in violation of this subsection is subject to the axle group penalties set in G.S. 20-118(e). The penalties apply to the amount by which the vehicle's maximum gross weight as listed in G.S. 20-118(b) exceeds its declared weight."

**SECTION 3.** G.S. 20-118(c) reads as rewritten:

"(c) Exceptions. – The following exceptions apply to G.S. 20-118(b) and 20-118(e).

...



\* S 7 4 9 - P C S 1 5 1 5 4 - R W F - 2 4 \*

1 (5) The light-traffic road limitations provided for pursuant to subdivision (b)(4)  
 2 of this section do not apply to a vehicle while that vehicle is transporting  
 3 only the following from its point of origin on a light-traffic road to either one  
 4 of the two nearest highways that is not a light-traffic road. If that vehicle's  
 5 point of origin is a non-light-traffic road and that road is blocked by  
 6 light-traffic roads from all directions and is not contiguous with other  
 7 non-light-traffic roads, then the road at point of origin is treated as a  
 8 light-traffic road for purposes of this subdivision:

- 9 a. Processed or unprocessed seafood transported from boats or any  
 10 other point of origin to a processing plant or a point of further  
 11 distribution.  
 12 b. ~~Meats~~ Meats, live poultry, or agricultural crop products transported  
 13 from a farm to a processing plant or first-market.  
 14 c. Forest products originating and transported from a farm or from  
 15 woodlands to ~~first-market~~ without interruption or delay for further  
 16 packaging or processing after initiating transport.  
 17 d. Livestock or live poultry transported from their point of origin to a  
 18 processing plant or ~~first-market~~.  
 19 e. Livestock by-products or poultry by-products transported from their  
 20 point of origin to a rendering plant.  
 21 f. Recyclable material transported from its point of origin to a  
 22 scrap-processing facility for processing. As used in this subpart, the  
 23 terms "recyclable material" and "processing" have the same meaning  
 24 as in G.S. 130A-290(a).  
 25 g. Garbage collected by the vehicle from residences or garbage  
 26 dumpsters if the vehicle is fully enclosed and is designed specifically  
 27 for collecting, compacting, and hauling garbage from residences or  
 28 from garbage dumpsters. As used in this subpart, the term "garbage"  
 29 does not include hazardous waste as defined in G.S. 130A-290(a),  
 30 spent nuclear fuel regulated under G.S. 20-167.1, low-level  
 31 radioactive waste as defined in G.S. 104E-5, or radioactive material  
 32 as defined in G.S. 104E-5.  
 33 h. Treated sludge collected from a wastewater treatment facility.  
 34 i. Apples when transported from the orchard to the first processing or  
 35 packing point.  
 36 j. Trees grown as Christmas trees from the field, farm, stand, or ~~grove~~  
 37 grove, and other forest products, including chips and bark, to first-a  
 38 processing point.  
 39 k. Water, fertilizer, herbicides, fungicides, seeds, fuel, and animal waste  
 40 transported to or from a farm by a farm vehicle as defined in  
 41 G.S. 20-37.16(e)(3).

42 ...  
 43 (12) Subsections (b) and (e) of this section do not apply to a vehicle that meets all  
 44 of the conditions set out below:

- 45 a. ~~Is hauling agricultural crops from the farm where the crop is grown~~  
 46 ~~to any market~~ transporting an item listed in sub-subdivisions(c)(5)b.,  
 47 d., i., j., or k. within 150 miles of that the farm.  
 48 b. Repealed by Session Laws 1993 (Reg. Sess., 1994), c. 761, s. 13.  
 49 b1. Does not operate on an interstate highway or exceed any posted  
 50 bridge weight limits during transportation or hauling of agricultural  
 51 products.

- 1 c. Does not exceed a single-axle weight of ~~22,000~~26,000 pounds, a
- 2 tandem-axle weight of ~~42,000~~44,000 pounds, or a gross weight of
- 3 90,000 pounds.
- 4 ~~d. Is registered pursuant to G.S. 20-88 for the maximum weight allowed~~
- 5 ~~for the vehicle configuration as listed in subsection (b) of this~~
- 6 ~~section.~~
- 7 ...
- 8 (14) Subsections (b) and (e) of this section do not apply to a vehicle that meets all
- 9 of the conditions below, but all other enforcement provisions of this Article
- 10 remain applicable:
- 11 a. Is hauling aggregates from a distribution yard or a State-permitted
- 12 production site located within a North Carolina county contiguous to
- 13 the North Carolina State border to a destination in another state
- 14 adjacent to that county as verified by a weight ticket in the driver's
- 15 possession and available for inspection by enforcement personnel.
- 16 b. Does not operate on an interstate highway or exceed any posted
- 17 bridge weight limits.
- 18 c. Does not exceed 69,850 pounds gross vehicle weight and 53,850
- 19 pounds per axle grouping for tri-axle vehicles. For purposes of this
- 20 subsection, a tri-axle vehicle is a single power unit vehicle with a
- 21 three consecutive axle group on which the respective distance
- 22 between any two consecutive axles of the group, measured
- 23 longitudinally center to center to the nearest foot, does not exceed
- 24 eight feet. For purposes of this subsection, the tolerance provisions of
- 25 subsection (h) of this section do not apply, and vehicles must be
- 26 licensed in accordance with G.S. 20-88.
- 27 d. Repealed by Session Laws 2001-487, s. 10, effective December 16,
- 28 2001.
- 29 ~~e. Is registered pursuant to G.S. 20-88 for the maximum weight allowed~~
- 30 ~~for the vehicle configuration as listed in subsection (b) of this~~
- 31 ~~section.~~
- 32 (15) Subsections (b) and (e) of this section do not apply to a vehicle or vehicle
- 33 combination that meets all of the conditions below, but all other enforcement
- 34 provisions of this Article remain applicable:
- 35 a. Is hauling wood residuals, including wood chips, sawdust, mulch, or
- 36 tree bark from any site; is hauling raw logs to first market; is
- 37 transporting bulk soil, bulk rock, sand, sand rock, or asphalt millings
- 38 from a site that does not have a certified scale for weighing the
- 39 vehicle; or is hauling animal waste products from the animal waste
- 40 storage site to a farm or field.
- 41 b. Does not operate on an interstate highway, a posted light-traffic road,
- 42 except as provided by subdivision (c)(5) of this section, or exceed
- 43 any posted bridge weight limits.
- 44 c. Does not exceed a maximum gross weight 4,000 pounds in excess of
- 45 what is allowed in subsection (b) of this section.
- 46 d. Does not exceed a single-axle weight of more than ~~22,000~~26,000
- 47 pounds and a tandem-axle weight of more than ~~42,000~~44,000
- 48 pounds.
- 49 ~~e. Is registered pursuant to G.S. 20-88 for the maximum weight allowed~~
- 50 ~~for the vehicle configuration as listed in subsection (b) of this~~
- 51 ~~section."~~

1           **SECTION 4.** This act becomes effective December 1, 2011, and applies to  
2 offenses committed on or after that date.