

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 105
PROPOSED COMMITTEE SUBSTITUTE S105-PCS35079-BG-8

Short Title: Federal Motor Carrier Safety/PRISM.

(Public)

Sponsors:

Referred to:

February 25, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO IMPLEMENT REQUIREMENTS OF THE FEDERAL MOTOR CARRIER
3 SAFETY ADMINISTRATION'S PERFORMANCE AND REGISTRATION
4 INFORMATION SYSTEMS MANAGEMENT (PRISM) PROGRAM.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Article 3 of Chapter 20 of the General Statutes is amended by adding
7 a new section to read:

8 "**§ 20-43.3. Authorization for the collection of data to enforce the Federal Motor Carrier**
9 **Safety Administration's Performance and Registration Information Systems**
10 **Management (PRISM) program.**

11 The Division is authorized to collect and maintain necessary motor carrier or commercial
12 motor vehicle data in a manner that complies with the information system established by the
13 United States Secretary of Transportation under 49 U.S.C. § 31106."

14 SECTION 2. G.S. 20-54(9) reads as rewritten:

15 "(9) The applicant motor carrier is subject to an order issued by the Federal Motor Carrier
16 Safety Administration or the ~~Division to cease all operations based on a finding that the continued~~
17 ~~operations of the motor carrier pose an "imminent hazard" as defined in 49 C.F.R. §~~
18 ~~386.72(b)(1)-Division.~~ The Division shall deny registration of a vehicle of a motor carrier if the
19 applicant fails to disclose material information required, or if the applicant has made a materially
20 false statement on the application, or if the applicant has applied as a subterfuge for the real party
21 in interest who has been issued a federal out-of-service order, or if the applicant's business is
22 operated, managed, or otherwise controlled by or affiliated with a person who is ineligible for
23 registration, including the applicant entity, a relative, family member, corporate officer, or
24 shareholder. The Division shall deny registration for a vehicle that has been assigned for safety
25 to a commercial motor carrier who has been prohibited from operating by the Federal Motor
26 Carrier Safety Administration or a carrier whose business is operated, managed, or otherwise
27 controlled by or affiliated with a person who is ineligible for registration, including the owner, a
28 relative, family member, corporate officer, or shareholder."

29 SECTION 3. G.S. 20-110 reads as rewritten:

30 "...
31 (m) The Division shall rescind and cancel the registration of vehicles of a motor carrier
32 that is the subject to an of an order issued by the Federal Motor Carrier Safety Administration or
33 the Division to cease all operations based on a finding that the continued operations of the motor
34 carrier pose an "imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1)-Division.

35 (n) The Division shall rescind and cancel the registration of a vehicle of a motor carrier
36 if the applicant fails to disclose material information required, or if the applicant has made a



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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 by 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 by 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.