

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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SENATE BILL 321
Judiciary Committee Substitute Adopted 4/30/19
PROPOSED HOUSE COMMITTEE SUBSTITUTE S321-PCS45344-BH-28

Short Title: Federal Motor Carrier Safety/PRISM.

(Public)

Sponsors:

Referred to:

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

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

33 **"§ 20-110. When registration shall be rescinded.**

34 ...



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

5 (n) The Division shall rescind and cancel the registration of a vehicle of a motor carrier
6 if the applicant fails to disclose material information required, or if the applicant has made a
7 materially false statement on the application, or if the applicant has applied as a subterfuge for
8 the real party in interest who has been issued a federal out-of-service order, or if the applicant's
9 business is operated, managed, or otherwise controlled by or affiliated with a person who is
10 ineligible for registration, including the applicant entity, a relative, family member, corporate
11 officer, or shareholder. The Division shall rescind and cancel the registration for a vehicle that
12 has been assigned for safety to a commercial motor carrier who has been prohibited from
13 operating by the Federal Motor Carrier Safety Administration or a carrier whose business is
14 operated, managed, or otherwise controlled by or affiliated with a person who is ineligible for
15 registration, including the owner, a relative, family member, corporate officer, or shareholder."

16 **SECTION 4.** G.S. 20-381(a) reads as rewritten:

17 "(a) The Department of Public Safety has the following powers and duties concerning
18 motor carriers:

- 19 ...
- 20 (4) To determine the safety fitness of intrastate motor carriers, to assign safety
21 ratings to intrastate motor carriers as defined in 49 C.F.R. § 385.3, to direct
22 intrastate motor carriers to take remedial action when required, to prohibit the
23 operation of intrastate motor carriers ~~rated unsatisfactory, to determine~~
24 ~~whether the continued operations of intrastate motor carriers pose an~~
25 ~~"imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1), and to prohibit the~~
26 ~~operation of an intrastate motor carrier found to be an "imminent hazard" as~~
27 ~~defined in 49 C.F.R. § 386.72(b)(1).~~ when subject to an out-of-service order
28 issued by the Federal Motor Carrier Safety Administration or the Department.
- 29 (5) ~~To prohibit the intrastate operation of a motor carrier subject to an~~ enforce any
30 order issued by the Federal Motor Carrier Safety Administration to cease all
31 operations based on a finding that the continued operations of the motor
32 carrier pose an "imminent hazard" as defined in 49 C.F.R. §
33 386.72(b)(1). including the authority to seize registration plates pursuant to the
34 provisions of G.S. 20-45 from motor carriers whose registration was rescinded
35 and cancelled pursuant to G.S. 20-110(m) or G.S. 20-110(n)."

36 **SECTION 5.** This act is effective 90 days after it becomes law.