

May 18, 2010

S 1214. HIGHWAY PATROL MOTOR CARRIER FINES AND FEES. Filed 5/18/10. *TO MAKE CORRESPONDING CHANGES TO THE MOTOR VEHICLES LAWS TO COMPLY WITH FEDERAL MOTOR CARRIER ENFORCEMENT REGULATIONS AND MAINTAIN FEDERAL MOTOR CARRIER SAFETY ASSISTANCE PROGRAM FUNDING FOR THE STATE HIGHWAY PATROL'S MOTOR CARRIER SECTION, TO REQUIRE DECLARED REGISTRATION LICENSE WEIGHT TO BE FOR THE MAXIMUM WEIGHT FOR ALL VEHICLES THAT ARE PROVIDED EXEMPTIONS UNDER G.S. 20-118, AND TO MODIFY THE STATUTE OF LIMITATION FOR CIVIL SUITS RELATED TO UNCOLLECTED CIVIL FINES THAT HAVE BEEN ASSESSED AND REMAIN OWED TO THE STATE CIVIL FINES AND FORFEITURES FUND.*

As title indicates. Makes technical and conforming changes to comply with the Federal Motor Carrier Safety regulations. Enacts new GS 20-96(c) to allow a law enforcement officer to seize a motor vehicle pursuant to GS 20-96(a) (authorizing the officer to seize and detain), regardless of the statutes of limitation provided in GS Chapter 1 (Rules of Civil Procedure). Amends GS 20-118(c) to add vehicles registered pursuant to GS 20-88 (property-hauling vehicles) for the maximum weight allowed for that vehicle configuration to the categories excepted from the weight limitations and penalties applicable to vehicles in the state. Makes additional conforming changes. Amends GS 20-196.4 to designate that oversized and hazardous shipment escort fees collected by the Department of Crime Control and Public Safety (Department) cover the actual escorting expenses when required by the Department of Transportation (DOT). Allows the State Highway Patrol to use any remaining fees on vehicle and equipment maintenance. Removes the Department's reporting requirement. Enacts new GS 1-52(20) to apply a three year statute of limitation to civil penalties, assessments, or fines imposed under GS Chapter 20 (Motor Vehicles). Effective July 1, 2010.

Intro. by Jenkins.

GS 1, 20

June 29, 2010

S 1214. HIGHWAY PATROL MOTOR CARRIER FINE/LOCAL FEES (NEW). Filed 5/18/10. Senate committee substitute makes the following changes to 1st edition. Amends GS 20-196.4 to provide that the escort fee for oversized and hazardous shipments is subject to the provisions of GS 12-3.1 (regarding fees and charges by agencies). Provides that the full cost of an escort includes costs for vehicle or equipment maintenance required before or after an escort. Provides that the revenue in the special Escort Fee Account be appropriated annually to the Department of Crime Control and Public Safety (Department) as reimbursement for expenses incurred by the Department in providing escorts. Adds provision authorizing local governments, which imposed an assessment before 2005, to finance capital projects that have been assumed by other local governments to return unused assessments to the person that paid the assessment.

Makes conforming change to the title.

June 30, 2010

S 1214. HIGHWAY PATROL MOTOR CARRIER FINE/LOCAL FEES. Filed 5/18/10. Senate amendment makes the following changes to 2nd edition. Amends the effective date to provide that the amendments to GS 20-118(c) and GS 20-376(5) are effective for offenses committed on or after October 1, 2010, while the rest of the act remains effective July 1, 2010.

July 6, 2010

S 1214. HIGHWAY PATROL MOTOR CARRIER FINE/LOCAL FEES. Filed 5/18/10. House committee substitute makes the following changes to 3rd edition.

Changes the effective date to when the act becomes law (was, July 1, 2010), unless otherwise indicated in a specific provision. Expands the title to reflect additions to the act made in the previous editions, as follows: *AN ACT TO MAKE CHANGES TO SPECIFIED DEFINITIONS THAT AFFECT THE APPLICABILITY OF STATE LAW CONCERNING MOTOR CARRIERS, IN ORDER TO COMPLY WITH FEDERAL MOTOR CARRIER ENFORCEMENT REGULATIONS AND MAINTAIN FEDERAL MOTOR CARRIER SAFETY ASSISTANCE PROGRAM FUNDING*

FOR THE STATE HIGHWAY PATROL'S MOTOR CARRIER SECTION; TO PROVIDE THAT THE AUTHORITY OF LAW ENFORCEMENT TO SEIZE AND DETAIN A PROPERTY-HAULING VEHICLE PURSUANT TO GS 20-96 IS NOT AFFECTED BY A STATUTE OF LIMITATIONS; TO REQUIRE A PROPERTY-HAULING VEHICLE BE REGISTERED FOR THE MAXIMUM WEIGHT ALLOWED IN ORDER FOR THE VEHICLE TO BE ELIGIBLE FOR CERTAIN WEIGHT EXEMPTIONS IN G.S. 20-118; TO MAKE CHANGES TO THE ESTABLISHMENT, USE, AND REPORTING OF VEHICLE ESCORT FEES; TO ESTABLISH A THREE YEAR STATUTE OF LIMITATIONS FOR ACTIONS RELATED TO CIVIL PENALTIES, CIVIL ASSESSMENTS, OR CIVIL FINES IMPOSED UNDER CHAPTER 20, THE MOTOR VEHICLE LAWS OF THE STATE; AND TO ALLOW LOCAL GOVERNMENTS TO REFUND SPECIFIED UNUSED ASSESSMENTS.

July 9, 2010

S 1214. HIGHWAY PATROL MOTOR CARRIER FINE/LOCAL FEES. Filed 5/18/10. House amendment makes the following changes to 4th edition.

Amends the section regarding local governments to provide that a local government that imposed an assessment prior to 2007 (was, 2005) to finance a capital project that has been assumed by another unit of local government may return unused assessments to the person that paid the assessment.

July 28, 2010

SL 2010-129 (S 1214). HIGHWAY PATROL MOTOR CARRIER FINE/LOCAL FEES. AN ACT TO MAKE CHANGES TO SPECIFIED DEFINITIONS THAT AFFECT THE APPLICABILITY OF STATE LAW CONCERNING MOTOR CARRIERS, IN ORDER TO COMPLY WITH FEDERAL MOTOR CARRIER ENFORCEMENT REGULATIONS AND MAINTAIN FEDERAL MOTOR CARRIER SAFETY ASSISTANCE PROGRAM FUNDING FOR THE STATE HIGHWAY PATROL'S MOTOR CARRIER SECTION; TO PROVIDE THAT THE AUTHORITY OF LAW ENFORCEMENT TO SEIZE AND DETAIN A PROPERTY-HAULING VEHICLE PURSUANT TO G.S. 20-96 IS NOT AFFECTED BY A STATUTE OF LIMITATIONS; TO REQUIRE A PROPERTY-HAULING VEHICLE BE REGISTERED FOR THE MAXIMUM WEIGHT ALLOWED IN ORDER FOR THE VEHICLE TO BE ELIGIBLE FOR CERTAIN WEIGHT EXEMPTIONS IN G.S. 20-118; TO MAKE CHANGES TO THE ESTABLISHMENT, USE, AND REPORTING OF VEHICLE ESCORT FEES; TO ESTABLISH A THREE-YEAR STATUTE OF LIMITATIONS FOR ACTIONS RELATED TO CIVIL PENALTIES, CIVIL ASSESSMENTS, OR CIVIL FINES IMPOSED UNDER CHAPTER 20 OF THE GENERAL STATUTES, THE MOTOR VEHICLE LAWS OF THE STATE; AND TO ALLOW LOCAL GOVERNMENTS TO REFUND SPECIFIED UNUSED ASSESSMENTS. Summarized in *Daily Bulletin* 5/18/10, 6/29/10, 6/30/10, 7/6/10, and 7/9/10. Enacted July 21, 2010. Sections 3 and 5 are effective October 1, 2010. The remainder is effective July 21, 2010.