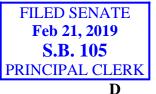
GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2019



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## SENATE BILL DRS45042-MW-8A

Short Title:	Federal Motor Carrier Safety/PRISM.	(Public)
Sponsors:	Senators J. Jackson, J. Davis, and Britt (Primary Sponsors).	
Referred to:		

## A BILL TO BE ENTITLED 1 2 AN ACT TO IMPLEMENT REOUIREMENTS OF THE FEDERAL MOTOR CARRIER ADMINISTRATION'S 3 SAFETY PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT (PRISM) PROGRAM. 4 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 Safety Administration's Performance and Registration Information Systems 9 Management (PRISM) program. 10 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 Safety Administration or the Division to cease all operations based on a finding that the continued 16 17 operations of the motor carrier pose an "imminent hazard" as defined in 49 C.F.R. § <del>386.72(b)(1).</del>Division. The Division shall deny registration of a vehicle of a motor carrier if the 18 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 operated, managed, or otherwise controlled or affiliated with a person who is ineligible for 22 23 registration, including the applicant entity, a relative, family member, corporate officer, or 24 shareholder. The Department shall deny registration for a vehicle that has been assigned for 25 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 26 otherwise controlled or affiliated with a person who is ineligible for registration, including the 27 28 owner, a relative, family member, corporate officer, or shareholder." 29 SECTION 3. G.S. 20-110 reads as rewritten: 30 "... 31 The Division shall rescind and cancel the registration of vehicles of a motor carrier (m)

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

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



## General Assembly Of North Carolina

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, o	r shareholder. The Division shall rescind and cancel the registration for a vehicle that		
6		assigned for safety to a commercial motor carrier who has been prohibited from		
7				
8				
9	registratio	on, including the owner, a relative, family member, corporate officer, or shareholder."		
10		<b>SECTION 4.</b> 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 <u>enforce any</u>		
24		order issued by the Federal Motor Carrier Safety Administration to cease all		
25 26		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		$\frac{386.72(b)(1)}{100}$ 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		<b>SECTION 5.</b> This act is effective 90 days after it becomes law.		