

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019**

**SENATE BILL 321
RATIFIED BILL**

AN ACT TO IMPLEMENT REQUIREMENTS OF THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION'S PERFORMANCE AND REGISTRATION INFORMATION SYSTEMS MANAGEMENT (PRISM) PROGRAM.

The General Assembly of North Carolina enacts:

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

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

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

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

"(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 operations of the motor carrier pose an "imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1). Division. The Division shall deny registration of a vehicle of a motor carrier if the applicant fails to disclose material information required, or if the applicant has made a materially false statement on the application, or if the applicant has applied as a subterfuge for the real party in interest who has been issued a federal out-of-service order, or if the applicant's business is operated, managed, or otherwise controlled by or affiliated with a person who is ineligible for registration, including the applicant entity, a relative, family member, corporate officer, or shareholder. The Division shall deny registration for a vehicle that has been assigned for 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 otherwise controlled by or affiliated with a person who is ineligible for registration, including the owner, a relative, family member, corporate officer, or shareholder."

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

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 When registration shall be rescinded.

...
(m) The Division shall rescind and cancel the registration of vehicles of a motor carrier that is the 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 operations of the motor carrier pose an "imminent hazard" as defined in 49 C.F.R. § 386.72(b)(1). Division.

(n) The Division shall rescind and cancel the registration of a vehicle of a motor carrier if the applicant fails to disclose material information required, or if the applicant has made a materially false statement on the application, or if the applicant has applied as a subterfuge for



the real party in interest who has been issued a federal out-of-service order, or if the applicant's business is operated, managed, or otherwise controlled by or affiliated with a person who is ineligible for registration, including the applicant entity, a relative, family member, corporate officer, or shareholder. The Division shall rescind and cancel the registration for a vehicle that has been assigned for 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 otherwise controlled by or affiliated with a person who is ineligible for registration, including the owner, a relative, family member, corporate officer, or shareholder."

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

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

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

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

In the General Assembly read three times and ratified this the 7th day of August, 2019.

s/ Philip E. Berger
President Pro Tempore of the Senate

s/ Tim Moore
Speaker of the House of Representatives

Roy Cooper
Governor

Approved _____m. this _____ day of _____, 2019