



CHAPTER 20
ARTICLE 17 - MOTOR CARRIER SAFETY REGULATION UNIT

N.C.G.S. § 20-381.

Specific powers and duties of State Highway Patrol applicable to motor carriers; agricultural exemption.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 2024-57, s. 3E.2(r) — sixteenth act in the lineage	21 September 2026, 03:34 UTC	1ec6c7aeaa75cfaef833ed19 - 64ab085d1e2c34f10ea23377 - 7f7dd426ecbeacb6

- § 20-381(a) The State Highway Patrol has the following powers and duties concerning motor carriers:
- (1) To prescribe qualifications and maximum hours of service of drivers and their helpers.
 - (1a) To set safety standards for vehicles of motor carriers engaged in foreign, interstate, or intrastate commerce over the highways of this State and for the safe operation of these vehicles. The State Highway Patrol may stop, enter upon, and perform inspections of motor carriers' vehicles in operation to determine compliance with these standards and may conduct any investigations and tests it finds necessary to promote the safety of equipment and the safe operation on the highway of these vehicles.
 - (1b) To enforce this Article, rules adopted under this Article, and the federal safety and hazardous materials regulations.
 - (2) To enter the premises of a motor carrier to inspect a motor vehicle or any equipment used by the motor carrier in transporting passengers or property.

- (2a) To prohibit the use by a motor carrier of any motor vehicle or motor vehicle equipment the State Highway Patrol finds, by reason of its mechanical condition or loading, would be likely to cause a crash or breakdown in the transportation of passengers or property on a highway. If an agent of the State Highway Patrol finds a motor vehicle of a motor carrier in actual use upon the highways in the transportation of passengers or property that, by reason of its mechanical condition or loading, would be likely to cause a crash or breakdown, the agent shall declare the vehicle "Out of Service." The agent shall require the operator thereof to discontinue its use and to substitute therefor a safe vehicle, parts or equipment at the earliest possible time and place, having regard for both the convenience and the safety of the passengers or property. When an inspector or agent stops a motor vehicle on the highway, under authority of this section, and the motor vehicle is declared "Out of Service," no motor carrier operator shall require, or permit, any person to operate, nor shall any person operate, any motor vehicle equipment declared "Out of Service" until all repairs required by the "Out of Service" notice have been satisfactorily completed. Such agents or inspectors shall also have the right to stop any motor vehicle which is being used upon the public highways for the transportation of passengers or property by a motor carrier subject to the provisions of this Article and to eject therefrom any driver or operator who shall be operating or be in charge of such motor vehicle while under the influence of alcoholic beverages or impairing substances. It shall be the duty of all inspectors and agents of the State Highway Patrol to make a written report, upon a form prescribed by the State Highway Patrol, of inspections of all motor equipment and a copy of each such written report, disclosing defects in such equipment, shall be served promptly upon the motor carrier operating the same, either in person by the inspector or agent or by mail. Such agents and inspectors shall also make and serve a similar written report in cases where a motor vehicle is operated in violation of this Chapter or, if the motor vehicle is subject to regulation by the North Carolina Utilities Commission, of Chapter 62 of the General Statutes.
- (3) To relieve the highways of all undue burdens and safeguard traffic thereon by adopting and enforcing rules and orders designed and calculated to minimize the dangers attending transportation on the highways of all hazardous materials and other commodities.

- (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 when subject to an out-of-service order issued by the Federal Motor Carrier Safety Administration or the State Highway Patrol.
- (5) To enforce any order issued by the Federal Motor Carrier Safety Administration 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).

§ 20-381(b)

The definitions set out in 49 Code of Federal Regulations § 171.8 apply to this subsection. The transportation of an agricultural product, other than a Class 2 material, over local roads between fields of the same farm by a farmer operating as an intrastate private motor carrier is exempt from the requirements of Parts 171 through 180 of 49 CFR as provided in 49 CFR § 173.5(a). The transportation of an agricultural product to or from a farm within the official State border of North Carolina by a farmer operating as an intrastate private motor carrier is exempt from the requirements of Subparts G and H of Part 172 of 49 CFR as provided in 49 CFR § 173.5(b).

§ 20-381(c)

For purposes of 49 C.F.R. § 395.1(k) and any other federal law or regulation relating to hours-of-service rules for drivers engaged in the transportation of agricultural commodities and farm supplies for agricultural purposes, the terms "planting and harvesting season" and "planting and harvesting period" refer to the period from January 1 through December 31 of each year.

§ 20-381(d)

The definitions set out in 49 C.F.R. § 390.5 apply to this subsection. A covered farm vehicle engaged in intrastate commerce is exempt from the requirements of 49 C.F.R. § 390.21.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
16 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.



Nº	YEAR	ACT	CHARACTER
01	1985	c. 454, s. 1	ENACTED
02	1985	1995 (Reg. Sess., 1996), c. 756, s. 24	AMENDED
03	1997	S.L. 1997-456, ss. 37, 38	AMENDED
04	1998	S.L. 1998-149, s. 12	AMENDED
05	1998	S.L. 1998-165, s. 1	AMENDED
06	1999	S.L. 1999-452, s. 22	AMENDED
07	2002	S.L. 2002-152, ss. 4, 5	AMENDED
08	2002	S.L. 2002-159, s. 31.5(b)	AMENDED
09	2002	S.L. 2002-190, s. 2	AMENDED
10	2009	S.L. 2009-376, s. 9	AMENDED
11	2011	S.L. 2011-145, s. 19.1(g)	AMENDED
12	2014	S.L. 2014-103, s. 5	AMENDED
13	2017	S.L. 2017-108, s. 17	AMENDED
14	2019	S.L. 2019-196, s. 4	AMENDED
15	2024	S.L. 2024-30, s. 22(c)	AMENDED
16	2024	S.L. 2024-57, s. 3E.2(r)	AMENDED

APPARATUS II

3 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 20-45	(a)(5)	"plates pursuant to the provisions of"
G.S. 20-110(m)	(a)(5)	"was rescinded and cancelled pursuant to"
G.S. 20-110(n)	(a)(5)	"cancelled pursuant to G.S. 20-110(m) or"

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 20-381 (2024).

PINPOINT

N.C. Gen. Stat. § 20-381(a) (2024).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

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HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1985, c. 454, s. 1; 1995 (Reg. Sess., 1996), c. 756, s. 24; 1997-456, ss. 37, 38; 1998-149, s. 12; 1998-165, s. 1; 1999-452, s. 22; 2002-152, ss. 4, 5; 2002-159, s. 31.5(b); 2002-190, s. 2; 2009-376, s. 9; 2011-145, s. 19.1(g); 2014-103, s. 5; 2017-108, s. 17; 2019-196, s. 4; 2024-30, s. 22(c); 2024-57, s. 3E.2(r).)

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