

1 19A NCAC 02D .0633 is proposed for readoption without substantive changes as follows:

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3 **19A NCAC 02D .0633 ~~DENIAL: REVOCATION: REFUSAL TO RENEW: APPEAL: INVALIDATION~~**
4 **PERMITS – DECISIONS, APPEALS, AND ENFORCEMENT**

5 (a) A permit that is revoked or voided by the Chief Engineer’s office shall be surrendered without any refund of fees.
6 An oversize or overweight permit application may be denied for a period of up to six months upon written
7 documentation that the applicant operated in violation of any of the rules contained in this Section, or any state or
8 local law or any rule or ordinance regulating the operation of oversize or overweight vehicles. Repeated violations
9 may result in a permanent denial of the right to use State highway system for transportation of oversize/overweight
10 loads or vehicles. An oversize/overweight permit may be revoked and considered void by the Chief Engineer’s office
11 upon inspection and written documentation that the permittee:

- 12 (1) violated either the terms and conditions of the permit, state or local laws, or ordinances regulating
13 the operation of oversize and overweight vehicles;
14 (2) misrepresented, fraudulently obtained, altered, or used in an unauthorized manner any information
15 on the permit application; and
16 (3) operated or is currently operating a vehicle or vehicle combination in violation of the General
17 Statutes of North Carolina, these rules, the authorized route of travel, time of movement, escort
18 requirements, axle weights, number of axles, or any other conditions of the permit.

19 ~~An oversize or overweight permit may be revoked and considered void by the Chief Engineer or his designee upon~~
20 ~~inspection and written documentation that the permittee violated the terms and conditions of the permit, or state and~~
21 ~~local laws and ordinances regulating the operation of oversize and overweight vehicles. A permit may also be revoked~~
22 ~~or considered void if information on the permit application is misrepresented, if the permit is obtained fraudulently, if~~
23 ~~the permit is altered, or if the permit is used in an unauthorized manner. Permits may be revoked or considered void~~
24 ~~by the Chief Engineer or his designee if the vehicle or vehicle combination is found by a law enforcement officer to~~
25 ~~be operating in violation of the authorized route of travel, time of movement, escort requirements, axle weights,~~
26 ~~number of axles, or any other special conditions of the permit that may damage North Carolina highway infrastructure~~
27 ~~or create unsafe travel conditions for the motoring public. A permit that is determined by the Chief Engineer or his~~
28 ~~designee to be revoked or void must be surrendered without consideration for refund of fees to the law enforcement~~
29 ~~officer for delivery to the Chief Engineer or his designee.~~

30 (b) ~~No permit application shall be denied or renewal refused or an issued permit revoked~~ denied, renewal refused,
31 permit revoked, ~~or considered void until a~~ unless the Chief Engineer ~~Engineer’s office provides verbal or written~~
32 ~~notice of the denial of permit request or revocation of the issued permit has been furnished to the permittee. The~~
33 ~~permittee may appeal in writing to the Chief~~ Engineer’s office ~~Engineer or his designee within 10 business days of~~
34 ~~the permittee receiving notice, receipt of a verbal or written notice of such denial or revocation. The~~ If a hearing is
35 requested, pursuant to G.S. 20-374, the ~~Chief Engineer’s office~~ Engineer or his designee shall send a ~~provide the~~
36 ~~permittee with written notice~~ notice, sent ~~by certified mail, return receipt requested, not~~ no fewer than 10 business
37 ~~days prior to the scheduled date of the hearing. The Chief~~ Engineer’s office ~~Engineer or his designee shall provide to~~

1 ~~the permittee a written decision~~ decision, sent by certified mail, return receipt requested, to the permittee within 10
2 business days from the date of the hearing.

3 (c) A permittee who ~~has had~~ has permit privileges suspended or revoked by the Chief ~~Engineer's office~~ Engineer or
4 ~~his designee may,~~ may make a written appeal to the Secretary of Transportation within 15 days following the date
5 listed on the return receipt, notification of the adverse action, make written appeal to the Secretary of Transportation
6 ~~for review of the suspension or revocation.~~ The Secretary of Transportation or the Secretary's designee ~~may~~ affirm
7 or set aside the suspension or revocation based on a review of the written appeal, the suspension or revocation decision,
8 as well as any available documents, exhibits or other evidence bearing on the appeal. The individual appealing shall
9 be advised of the final disposition of the action within 21 days following receipt of the appeal.

10 (d) Enforcement.

11 (1) Law enforcement officers may perform on-site inspections at the point of manufacture or dealer lot
12 for mobile or modular homes ready for shipment. Notification of violations shall be submitted by
13 enforcement personnel to the Central Permit Office.

14 (2) Irrespective of the route shown on the permit, a permitted vehicle shall travel an alternate route if:

15 (A) directed by a law enforcement officer with jurisdiction;

16 (B) directed to follow a specific route, for weighing purposes, by an official traffic control
17 device;

18 (C) the specified route on the permit is detoured by an officially erected highway sign, traffic
19 control devices, or law enforcement officer. If the specified route on the permit is detoured
20 by an officially erected highway sign, traffic control device, or law enforcement officer,
21 the driver of the permitted vehicle shall contact the Central Permit Office or the issuing
22 field office for house move permits as soon as reasonably possible for clearance of route
23 or revision of the permit.

24 ~~An oversize or overweight permit application may be denied for a period of up to six months upon written~~
25 ~~documentation that the applicant operated in violation of any of the rules contained in this Section, or any state and~~
26 ~~local law or any rule or ordinance regulating the operation of oversize or overweight vehicles. Repeated violations~~
27 ~~may result in a permanent denial of the right to use the N.C. State Highway System of roads for transportation of~~
28 ~~oversize or overweight loads or vehicles.~~

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30 *History Note: Authority G.S. 20-119; 20-360; 20-361; 20-367; 20-369; 20-371; 136-18(5); 143B-346; 143B-*
31 *350(f);*

32 *Eff. July 1, 1978;*

33 *Amended Eff. November 1, 1993; October 1, 1991; April 1, 1984; April 11, 1980;*

34 *Temporary Rule Eff. October 1, 2000;*

35 *Amended Eff. December 1, 2012; April 1, 2009; August 1, 2002.*