



HOUSE BILL 732: Household Goods Carrier Revisions.

2017-2018 General Assembly

Committee:	House Transportation. If favorable, re-refer to Judiciary I	Date:	April 24, 2017
Introduced by:	Rep. McNeill	Prepared by:	Wendy Ray
Analysis of:	PCS to First Edition H732-CSSU-18		Staff Attorney

OVERVIEW: *The Proposed Committee Substitute for House Bill 732 would make the following changes to the law regarding carriers of household goods:*

- *Specify that attempt to operate a motor vehicle to transport household goods without the proper vehicle markings is unlawful.*
- *Specify that aiding and abetting a person in falsely representing that they are authorized to operate as a carrier of household goods is unlawful.*
- *Authorize any law enforcement officer with territorial jurisdiction to enforce provisions prohibiting operating a vehicle to transport household goods without proper vehicle markings or falsely representing that a person is authorized to operate as a carrier of household goods.*
- *Authorize the Utilities Commission to share background check information on applicants and holders of certificates to transport household goods with the Public Staff, who participate in the certification and disciplinary proceedings for those individuals.*

CURRENT LAW: Under G.S. 20-382.1, a motor carrier that hauls household goods for compensation must register its operations with the State by obtaining a certificate of authority from the North Carolina Utilities Commission. The Commission is required to conduct criminal history record checks of applicants and current holders of a certificate.

G.S. 20-398 prohibits carriers of household goods from operating on public roads for compensation without proper markings on the vehicle. The statute requires that the carrier's name and the number assigned by the Utilities Commission appear on each side of the vehicle, with the number also on the rear of the vehicle, in letters and figures at least three inches high. G.S. 62-280.1 prohibits a person who does not have a certificate of authority from falsely representing to the public that he or she is authorized to operate as a carrier of household goods. Violation of either prohibition is a Class 3 misdemeanor, punishable only by a fine of not more than \$500 for a first offense and not more than \$2,000 for a subsequent offense. The Utilities Commission may also assess a civil penalty of up to \$5,000 for a violation of either prohibition.

Under G.S. 20-383, only designated inspectors, officers, and personnel of the Department of Public Safety have authority to enforce these provisions.

BILL ANALYSIS: The PCS for House Bill 732 would amend the law pertaining to carriers of household goods by specifying that it is unlawful to attempt to operate a motor vehicle as a carrier of household goods without the proper vehicle markings or to aid and abet a person in falsely representing

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to the public that he or she is an authorized carrier of household goods. Both offenses would be Class 3 misdemeanors, the same as the underlying offense, punishable only by a fine of not more than \$500 for a first offense and not more than \$2,000 for a subsequent offense.

The PCS would also give any law enforcement officer with territorial jurisdiction, not just officers of the Department of Public Safety, the authority to enforce the provisions prohibiting operating on the highway without proper markings and falsely representing the authority to transport household goods.

The PCS would also authorize the Utilities Commission to provide information obtained as part of a criminal background check on applicants and current holders of certificates to the Public Staff, since the Public Staff participates in the certification and discipline proceedings for carriers of household goods. The Public Staff would have to keep any information obtained from the background check confidential.

EFFECTIVE DATE: Provisions of the act regarding unlawful operation of a vehicle transporting household goods and false representation of certification to move household goods and enforcement of those provisions are effective December 1, 2017, and apply to violations committed on or after that date. The remainder of the act would be effective when it becomes law.