

### **19A NCAC 02D .0633 PERMITS – DECISIONS, APPEALS, AND ENFORCEMENT**

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

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

(b) No permit application shall be denied, renewal refused, permit revoked, or considered void unless the Chief Engineer's office provides verbal or written notice to the permittee. The permittee may appeal in writing to the Chief Engineer's office within 10 business days of the permittee receiving notice. If a hearing is requested, the Chief Engineer's office shall provide the permittee with written notice, sent by certified mail, return receipt requested, no fewer than 10 business days prior to the scheduled date of the hearing. The Chief Engineer's office shall provide to the permittee a written decision, sent by certified mail, return receipt requested, within 10 business days from the date of the hearing.

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

(d) The following pertains to enforcement, inspections, and alternate routes as set out in this Rule.

- (1) Law enforcement officers may perform on-site inspections at the point of manufacture or dealer lot for mobile or modular homes ready for shipment. Notification of violations shall be submitted by enforcement personnel to the Central Permit Office.
- (2) Irrespective of the route shown on the permit, a permitted vehicle shall travel an alternate route if:
  - (A) directed by a law enforcement officer with jurisdiction;
  - (B) directed to follow a specific route, for weighing purposes, by an official traffic control device; or
  - (C) the specified route on the permit is detoured by an officially erected highway sign, traffic control devices, or law enforcement officer. If the specified route on the permit is detoured by an officially erected highway sign, traffic control device, or law enforcement officer, the driver of the permitted vehicle shall contact the Central Permit Office or the issuing field office for house move permits for clearance of route or revision of the permit.

*History Note: Authority G.S. 20-119; 20-360; 20-361; 20-367; 20-369; 20-371; 136-18(5); 143B-346; Eff. July 1, 1978; Amended Eff. November 1, 1993; October 1, 1991; April 1, 1984; April 11, 1980; Temporary Rule Eff. October 1, 2000; Amended Eff. December 1, 2012; April 1, 2009; August 1, 2002; Readopted Eff. July 1, 2019.*