

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 1140  
Committee Substitute Favorable 4/23/03  
Third Edition Engrossed 4/30/03

Short Title: North Carolina 'Quick Clearance' Act.

(Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE THE QUICK REMOVAL OF VEHICLES, SPILLED  
CARGO, OR OTHER PERSONAL PROPERTY FROM CONTROLLED-ACCESS  
HIGHWAYS.

The General Assembly of North Carolina enacts:

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

"Part 9B. North Carolina 'Quick Clearance' Act.

**"§ 20-137.20. Short title.**

This Part may be known as the North Carolina 'Quick Clearance' Act.

**"§ 20-137.21. Removal of vehicles, spilled cargo, or other personal property from  
controlled-access highways.**

(a) The Department of Crime Control and Public Safety, the Department of  
Transportation, or a local law enforcement agency may immediately remove or cause to  
be removed any wrecked, abandoned, unattended, burned, or partially dismantled  
vehicle, spilled cargo, or other personal property from the roadway of a  
controlled-access highway if the vehicle, cargo, or personal property is creating an  
obstruction or hazard to traffic because of its position in relation to the highway, as  
determined by authorized officers or employees of the Department or agency.

(b) Vehicles, cargo, or personal property may be removed to any place within the  
immediate vicinity without any further action or obligation of the Department of Crime  
Control and Public Safety, the Department of Transportation, the local law enforcement  
agency, or others acting at the direction of the Department or agency. In the event of a  
motor vehicle accident which results in apparent serious personal injury or death, no  
removal shall occur until a law enforcement officer determines that adequate  
information has been obtained for preparation of an accident report.

(c) When the property creating an obstruction or hazard to traffic is a motor  
carrier, as defined in G.S. 20-4.01(21b), the agency causing the removal shall make a

1 reasonable effort to allow the owner of the vehicle to arrange for its removal and shall  
2 give due consideration to having the vehicle towed by a towing service capable of safely  
3 moving the vehicle in question after it has been removed from the travel way in the  
4 most expeditious manner available. The final decision on removal shall rest with the  
5 agency causing the removal.

6 (d) The removal of vehicles away from the immediate vicinity by law  
7 enforcement agencies pursuant to this section shall be subject to the same procedures set  
8 forth in Part 9A of this Chapter. If the Department of Transportation removes or orders  
9 the removal of a vehicle away from the immediate vicinity, the Department shall notify  
10 the Department of Crime Control and Public Safety or the local law enforcement  
11 agency, and the Department of Transportation shall follow the same procedures as in  
12 Part 9A of this Chapter, provided that the Department of Transportation may make  
13 arrangements with the Department of Crime Control and Public Safety or the local law  
14 enforcement agency to act on its behalf in complying with Part 9A of this Chapter.

15 (e) If the Department of Crime Control and Public Safety, the Department of  
16 Transportation, or a local law enforcement agency removes or orders the removal of  
17 spilled cargo or personal property away from the immediate vicinity, the Department or  
18 agency shall make reasonable efforts to notify the owner, if known, and shall allow the  
19 owner at least two business days, after the owner receives notification from the agency,  
20 to notify the Department or agency that the owner intends to claim the cargo or personal  
21 property.

22 (f) Any liability of the Department of Crime Control and Public Safety or the  
23 Department of Transportation for damage to vehicles or cargo resulting from removal  
24 pursuant to the provisions of this section shall be determined in accordance with the  
25 provisions of Article 31 of Chapter 143 of the General Statutes.

26 (g) Any liability of a local law enforcement agency for damage to vehicles or  
27 cargo resulting from removal pursuant to the provisions of this section shall be a  
28 governmental function and shall be determined as provided in G.S. 153A-435 or G.S.  
29 160A-485, as appropriate.

30 (h) The Department of Crime Control and Public Safety, the Department of  
31 Transportation, or a local law enforcement agency may require the owner or carrier, if  
32 any, of a vehicle, spilled cargo, or other personal property removed or disposed of under  
33 the authority of this section to pay for any costs incurred in the removal and subsequent  
34 disposition of the vehicle, spilled cargo, or other personal property."

35 **SECTION 2.** G.S. 20-166 is amended by adding a new subsection to read:

36 "(c2) If an accident or collision occurs on a main lane, ramp, shoulder, median, or  
37 adjacent area of a highway, each vehicle shall be moved as soon as possible out of the  
38 travel lane and onto the shoulder or to a designated accident investigation site to  
39 complete the requirements of this section and minimize interference with traffic if all of  
40 the following apply:

41 (1) The accident or collision has not resulted in injury or death to any  
42 person, or the drivers did not know or have reason to know of any  
43 injury or death.

- 1           (2)    The accident or collision results only in damage to property of less  
2           than one thousand dollars (\$1,000).
- 3           (3)    Each vehicle can be normally and safely driven. For purposes of this  
4           subsection, a vehicle can be normally and safely driven if it does not  
5           require towing and can be operated under its own power and in its  
6           usual manner, without additional damage or hazard to the vehicle,  
7           other traffic, or the roadway."

8           **SECTION 3.** This act is effective when it becomes law.