

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
Senate Commerce Committee Substitute Adopted 6/4/03

Short Title: North Carolina 'Quick Clearance' Act.

(Public)

Sponsors:

Referred to:

April 10, 2003

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE QUICK REMOVAL OF VEHICLES, CARGO, OR
2 OTHER PERSONAL PROPERTY FROM CONTROLLED-ACCESS HIGHWAYS
3 AND TO ALLOW DRIVERS TO REMOVE VEHICLES FROM TRAVEL LANES
4 OF A HIGHWAY FOLLOWING MINOR ACCIDENTS, IF THE VEHICLES CAN
5 BE SAFELY MOVED.
6

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 20-161 reads as rewritten:

9 **"§ 20-161. Stopping on highway prohibited; warning signals; removal of vehicles**
10 **from public highway.**

11 (a) No person shall park or leave standing any vehicle, whether attended or
12 unattended, upon the paved or main-traveled portion of any highway or highway bridge
13 outside municipal corporate limits unless the vehicle is disabled to such an extent that it
14 is impossible to avoid stopping and temporarily leaving the vehicle upon the paved or
15 main traveled portion of the highway or highway bridge.

16 (b) No person shall park or leave standing any vehicle upon the shoulder of a
17 public highway outside municipal corporate limits unless the vehicle can be clearly seen
18 by approaching drivers from a distance of 200 feet in both directions and does not
19 obstruct the normal movement of traffic.

20 (c) The operator of any truck, truck tractor, trailer or semitrailer which is
21 disabled upon any portion of the highway shall display warning devices of a type and in
22 a manner as required under the rules and regulations of the United States Department of
23 Transportation as adopted by the Division of Motor Vehicles. Such warning devices
24 shall be displayed as long as the vehicle is disabled.

25 (d) The owner of any vehicle parked or left standing in violation of law shall be
26 deemed to have appointed any investigating law-enforcement officer his agent:

- 1 (1) For the purpose of removing the vehicle to the shoulder of the highway
2 or to some other suitable place; and
3 (2) For the purpose of arranging for the transportation and safe storage of
4 any vehicle which is interfering with the regular flow of traffic or
5 which otherwise constitutes a hazard, in which case the officer shall be
6 deemed a legal possessor of the vehicle within the meaning of G.S.
7 44A-2(d).

8 (e) When any vehicle is parked or left standing upon the right-of-way of a public
9 highway for a period of 48 hours or more, the owner shall be deemed to have appointed
10 any investigating law-enforcement officer his agent for the purpose of arranging for the
11 transportation and safe storage of such vehicle and such investigating law-enforcement
12 officer shall be deemed a legal possessor of the motor vehicle within the meaning of
13 that term as it appears in G.S. 44A-2(d).

14 (f) Any investigating law enforcement officer, with the concurrence of the
15 Department of Transportation, may immediately remove or cause to be removed from a
16 controlled-access highway any wrecked, abandoned, disabled, unattended, burned, or
17 partially dismantled vehicle, cargo, or other personal property interfering with the
18 regular flow of traffic or which otherwise constitutes a hazard. In the event of a motor
19 vehicle crash involving serious personal injury or death, no removal shall occur until the
20 investigating law enforcement officer determines that adequate information has been
21 obtained for preparation of a crash report. No state or local law enforcement officer,
22 Department of Transportation employee, or person or firm contracting or assisting in the
23 removal or disposition of any such vehicle, cargo, or other personal property shall be
24 held criminally or civilly liable for any damage or economic injury related to carrying
25 out or enforcing the provisions of this section.

26 (g) The owner shall be liable for any costs incurred in the removal, storage, and
27 subsequent disposition of a vehicle, cargo, or other personal property under the
28 authority of this section."

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

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

- 35 (1) The accident or collision has not resulted in injury or death to any
36 person or the drivers did not know or have reason to know of any
37 injury or death.
38 (2) Each vehicle can be normally and safely driven. For purposes of this
39 subsection, a vehicle can be normally and safely driven if it does not
40 require towing and can be operated under its own power and in its
41 usual manner, without additional damage or hazard to the vehicle,
42 other traffic, or the roadway."

43 **SECTION 3.** This act becomes effective October 1, 2003.