

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1312

Short Title: Technical Corrections-Highway/MV Statutes. (Public)

Sponsors: Representatives Martin; and Lucas.

Referred to: Transportation, if favorable, Judiciary I.

April 9, 2009

A BILL TO BE ENTITLED

AN ACT TO CHANGE THE APPLICATION OF THE EQUITY FORMULA TO DISTRIBUTIONS OF PROCEEDS DERIVED FROM GARVEE BONDS, TO ADD PUBLIC SERVICE VEHICLE TO THE VEHICLES WHICH ARE COVERED UNDER THE MOVE OVER LAW, TO ALLOW A LAW ENFORCEMENT OFFICER TO REMOVE A VEHICLE FROM A HIGHWAY IF THE OFFICER DEEMS IT A HAZARD TO THE PUBLIC, TO REQUIRE A SIGNED AND SEALED TRAFFIC SIGNAL PLAN FOR PHOTOGRAPHIC TRAFFIC CONTROL SYSTEMS, AND TO MAKE OTHER TECHNICAL CORRECTIONS TO STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-157(a) reads as rewritten:

"(a) Upon the approach of any law enforcement or fire department vehicle or public or private ambulance or rescue squad emergency service vehicle giving warning signal by appropriate light and by audible bell, siren or exhaust whistle, audible under normal conditions from a distance not less than 1000 feet, the driver of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb, clear of any intersection of streets or highways, and shall stop and remain in such position unless otherwise directed by a law enforcement or traffic officer until law enforcement or fire department vehicle or public or private ambulance or rescue squad emergency service vehicle shall have passed. Provided, however, this subsection shall not apply to vehicles traveling in the opposite direction of the vehicles herein enumerated when traveling on a ~~four-lane limited access~~ highway with a median divider dividing the highway for vehicles traveling in opposite directions, and provided further that the violation of this subsection shall be negligence per se. Violation of this subsection is a Class 2 misdemeanor."

SECTION 2. G.S. 20-157(f) reads as rewritten:

"(f) When an authorized emergency vehicle as described in subsection (a) of this section or any public service vehicle is parked or standing within 12 feet of a roadway and is giving a warning signal by appropriate light, the driver of every other approaching vehicle shall, as soon as it is safe and when not otherwise directed by an individual lawfully directing traffic, do one of the following:

- (1) Move the vehicle into a lane that is not the lane nearest the parked or standing authorized emergency vehicle or public service vehicle and continue traveling in that lane until safely clear of the authorized emergency ~~vehicle-vehicle or public service vehicle~~. This paragraph applies only if the roadway has at least two lanes for traffic proceeding in the direction of the approaching vehicle and if the approaching vehicle may change lanes safely and without interfering with any vehicular traffic.



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- 1 (2) Slow the vehicle, maintaining a safe speed for traffic conditions, and operate
2 the vehicle at a reduced speed and be prepared to stop until completely past
3 the authorized emergency vehicle or public service vehicle. This paragraph
4 applies only if the roadway has only one lane for traffic proceeding in the
5 direction of the approaching vehicle or if the approaching vehicle may not
6 change lanes safely and without interfering with any vehicular traffic.

7 For purposes of this section, "public service vehicle" means a vehicle that is being used to assist
8 motorists or law enforcement officers with wrecked or disabled vehicles, and is operating an
9 amber-colored flashing light authorized by G.S. 20-130.2. Violation of this subsection shall be
10 negligence per se."

11 **SECTION 3.** G.S. 20-161(a) reads as rewritten:

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

17 **SECTION 4.** G.S. 20-161(b) reads as rewritten:

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

22 **SECTION 5.** G.S. 136-17.2A(i) is repealed.

23 **SECTION 6.** G.S. 160A-300.1(c1) reads as rewritten:

24 "(c1) The duration of the yellow light change interval at intersections where traffic control
25 photographic systems are in use shall be no less than the yellow light change interval duration
26 specified ~~in the Design Manual developed by the Signals and Geometries Section of the North~~
27 ~~Carolina Department of Transportation~~ on the traffic signal plan of record signed and sealed by
28 a professional engineer, licensed in accordance with the provisions of Chapter 89C of the
29 General Statutes, and shall comply with the provisions of the Manual on Uniform Traffic
30 Control Devices."

31 **SECTION 7.** G.S. 160A-303(b1)(4) reads as rewritten:

32 "(4) Is left on any public street or highway for longer than seven ~~days~~ days or is
33 determined by law enforcement to be a hazard to the motoring public."

34 **SECTION 8.** Sections 1, 2, 3, and 4 of this act become effective December 1,
35 2009, and apply to offenses committed on or after that date. The remainder of this act is
36 effective when it becomes law.