

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1312
Committee Substitute Favorable 5/11/09
Senate Judiciary I Committee Substitute Adopted 8/4/09

Short Title: Omnibus Highway/MV Statute Changes.

(Public)

Sponsors:

Referred to:

April 9, 2009

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE APPLICABILITY OF THE LAW REQUIRING DRIVERS TO
2 PULL OVER AND STOP WHEN APPROACHED BY A FIRE OR RESCUE VEHICLE,
3 TO PROVIDE THAT PUBLIC SERVICE VEHICLES AND RURAL LETTER CARRIER
4 VEHICLES ARE COVERED UNDER THE MOVE OVER LAW, TO MODIFY THE
5 CURRENT PROHIBITION ON PARKING ON HIGHWAYS OR HIGHWAY
6 SHOULDERS, TO CHANGE THE TIME PERIOD IN WHICH THE DIVISION OF
7 MOTOR VEHICLES MUST HOLD AN ADMINISTRATIVE HEARING FOR A
8 VIOLATION OF THE MOTOR VEHICLE INSPECTION PROGRAM STATUTES BY
9 AN EMISSIONS INSPECTION STATION LICENSE HOLDER, TO CLARIFY
10 RESTRICTIONS ON OPERATING A SCHOOL BUS OR ACTIVITY BUS WHILE
11 OCCUPIED BY A CHILD OR CHILDREN, TO EXEMPT FUNDS RECEIVED FROM
12 THE APPALACHIAN REGIONAL COMMISSION FOR THE APPALACHIAN
13 DEVELOPMENT HIGHWAY SYSTEM ROADS FROM THE STATE EQUITY
14 DISTRIBUTION FORMULA FOR TRANSPORTATION FUNDS, TO CLARIFY THAT
15 FUNDS USED IN REPAYMENT OF GARVEE BONDS ARE SUBJECT TO THE
16 STATE EQUITY DISTRIBUTION FORMULA FOR TRANSPORTATION FUNDS, TO
17 REQUIRE THE DEPARTMENT OF TRANSPORTATION TO USE ALL FUNDS
18 RECEIVED FROM THE APPALACHIAN REGIONAL COMMISSION FOR THE
19 APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM TO COMPLETE
20 CONSTRUCTION OF THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM
21 ROADS, AND TO SPECIFY THAT THE YELLOW LIGHT DURATION INTERVAL
22 FOR A TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM BE SPECIFIED IN A
23 TRAFFIC SIGNAL PLAN SIGNED AND SEALED BY A PROFESSIONAL
24 ENGINEER.
25

26 The General Assembly of North Carolina enacts:

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

28 "(a) Upon the approach of any law enforcement or fire department vehicle or public or
29 private ambulance or rescue squad emergency service vehicle giving warning signal by
30 appropriate light and by audible bell, siren or exhaust whistle, audible under normal conditions
31 from a distance not less than 1000 feet, the driver of every other vehicle shall immediately
32 drive the same to a position as near as possible and parallel to the right-hand edge or curb, clear
33 of any intersection of streets or highways, and shall stop and remain in such position unless
34 otherwise directed by a law enforcement or traffic officer until law enforcement or fire
35 department vehicle or public or private ambulance or rescue squad emergency service vehicle
36 shall have passed. Provided, however, this subsection shall not apply to vehicles traveling in



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1 the opposite direction of the vehicles herein enumerated when traveling on a ~~four-lane limited~~
2 ~~access~~-highway with a median divider dividing the highway for vehicles traveling in opposite
3 directions, and provided further that the violation of this subsection shall be negligence per se.
4 Violation of this subsection is a Class 2 misdemeanor."

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

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

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

20 (2) Slow the vehicle, maintaining a safe speed for traffic conditions, and operate
21 the vehicle at a reduced speed and be prepared to stop until completely past
22 the authorized emergency ~~vehicle or vehicle~~, public service ~~vehicle. vehicle~~,
23 or rural letter carrier vehicle. This paragraph applies only if the roadway has
24 only one lane for traffic proceeding in the direction of the approaching
25 vehicle or if the approaching vehicle may not change lanes safely and
26 without interfering with any vehicular traffic.

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

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

32 "(a) No person shall park or leave standing any vehicle, whether attended or unattended,
33 upon the ~~paved or main-traveled~~ portion of any highway or highway bridge ~~outside municipal~~
34 ~~corporate limits~~ with the speed limit posted less than 45 miles per hour unless the vehicle is
35 disabled to such an extent that it is impossible to avoid stopping and temporarily leaving the
36 vehicle upon the paved or main traveled portion of the highway or highway bridge."

37 **SECTION 4.** G.S. 20-161 is amended by adding a new subsection to read:

38 "(a1) No person shall park or leave standing any vehicle, whether attended or unattended,
39 upon the paved or main-traveled portion of any highway or highway bridge with the speed limit
40 posted 45 miles per hour or greater unless the vehicle is disabled to such an extent that it is
41 impossible to avoid stopping and temporarily leaving the vehicle upon the paved or main-
42 traveled portion of the highway or highway bridge."

43 **SECTION 5.** G.S. 20-161(b) reads as rewritten:

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

48 **SECTION 6.** G.S. 20-183.8G(b) reads as rewritten:

49 "(b) Hearing After Statement of Charges. – When a license holder receives a statement
50 of charges of a violation that could result in the suspension or revocation of the person's
51 license, the person can obtain a hearing by making a request for a hearing. The person must

1 make the request to the Division within 10 days after receiving the statement of the charges. A
2 person who does not request a hearing within this time limit waives the right to a hearing.

3 The Division must hold a hearing requested under this subsection within ~~three business~~¹⁵
4 business days after receiving the request ~~unless the person requesting the hearing asks for~~
5 ~~additional time to prepare for the hearing request. A person may ask for no more than seven~~
6 ~~additional business days to prepare. If the additional time requested is within this limit, the~~
7 ~~Division must grant a person the additional time requested.~~ The hearing must be held at the
8 location designated by the Division. Suspension or revocation of the license is stayed until a
9 decision is made following the hearing.

10 If a person does not request a hearing within the time allowed for making the request, the
11 proposed suspension or revocation becomes effective the day after the time for making the
12 request ends. If a person requests a hearing but does not attend the hearing, the proposed
13 suspension or revocation becomes effective the day after the date set for the hearing."

14 **SECTION 7.** G.S. 20-218 reads as rewritten:

15 "**§ 20-218. Standard qualifications for school bus drivers; speed limit for school buses and**
16 **school activity buses.**

17 (a) Qualifications. – No person shall drive a school bus over the highways or public
18 vehicular areas of North Carolina while it is occupied by ~~children~~ one or more child passengers
19 unless the person furnishes to the superintendent of the schools of the county in which the bus
20 shall be operated a certificate from any representative duly designated by the Commissioner
21 and from the Director of Transportation or a designee of the Director in charge of school buses
22 in the county showing that the person has been examined by them and is fit and competent to
23 drive a school bus over the highways and public vehicular areas of the State. The driver of a
24 school bus must be at least 18 years of age and hold a Class A, B, or C commercial drivers
25 license and a school bus driver's certificate. The driver of a school activity bus must meet the
26 same qualifications as a school bus driver or must have a license appropriate for the class of
27 vehicle being driven.

28 (b) Speed Limits. – It is unlawful to drive a school bus ~~loaded with children occupied~~
29 by one or more child passengers over the highways or public vehicular areas of the State at a
30 greater rate of speed than 45 miles per hour. It is unlawful to drive a school activity bus ~~loaded~~
31 with children occupied by one or more child passengers over the highways or public vehicular
32 areas of North Carolina at a greater rate of speed than 55 miles per hour.

33 (c) Punishment. – A person who violates this section commits a Class 3 misdemeanor."

34 **SECTION 8.** G.S. 136-17.2A(a) reads as rewritten:

35 "(a) Funds expended for the Intrastate System projects listed in G.S. 136-179 and both
36 State and federal-aid funds expended under the Transportation Improvement Program, other
37 than federal congestion mitigation and air quality improvement program funds appropriated to
38 the State by the United States pursuant to 23 U.S.C. § 104(b)(2) and 23 U.S.C. § 149, funds
39 expended on an urban loop project listed in ~~G.S. 136-180~~ G.S. 136-180, funds from the
40 Appalachian Regional Commission for the Appalachian Development Highway System, and
41 funds received through competitive awards or discretionary grants through federal
42 appropriations either for local governments, transportation authorities, transit authorities, or the
43 Department, shall be distributed throughout the State in accordance with this section.

44 (1) Distribution Region A consists of the following counties: Bertie, Camden,
45 Chowan, Currituck, Dare, Edgecombe, Gates, Halifax, Hertford, Hyde,
46 Johnston, Martin, Nash, Northampton, Pasquotank, Perquimans, Tyrrell,
47 Washington, Wayne, and Wilson.

48 (2) Distribution Region B consists of the following counties: Beaufort,
49 Brunswick, Carteret, Craven, Duplin, Greene, Jones, Lenoir, New Hanover,
50 Onslow, Pamlico, Pender, Pitt, and Sampson.

- 1 (3) Distribution Region C consists of the following counties: Bladen, Columbus,
2 Cumberland, Durham, Franklin, Granville, Harnett, Person, Robeson,
3 Vance, Wake, and Warren.
- 4 (4) Distribution Region D consists of the following counties: Alamance,
5 Caswell, Davidson, Davie, Forsyth, Guilford, Orange, Rockingham, Rowan,
6 and Stokes.
- 7 (5) Distribution Region E consists of the following counties: Anson, Cabarrus,
8 Chatham, Hoke, Lee, Mecklenburg, Montgomery, Moore, Randolph,
9 Richmond, Scotland, Stanly, and Union.
- 10 (6) Distribution Region F consists of the following counties: Alexander,
11 Alleghany, Ashe, Avery, Caldwell, Catawba, Cleveland, Gaston, Iredell,
12 Lincoln, Surry, Watauga, Wilkes, and Yadkin.
- 13 (7) Distribution Region G consists of the following counties: Buncombe, Burke,
14 Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison,
15 McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey."

16 **SECTION 9.** G.S. 136-17.2A(i) reads as rewritten:

17 "(i) All funds ~~derived from~~ used in repayment of "GARVEE" bonds issued pursuant to
18 G.S. 136-18(12b) shall be distributed in accordance with subject to the provisions of this
19 section."

20 **SECTION 10.** Chapter 136 of the General Statutes is amended by adding a new
21 section to read:

22 **"§ 136-44.2D. Appalachian Development Highway System corridor funds.**

23 The Department of Transportation shall use all funds received from the Appalachian
24 Regional Commission for the Appalachian Development Highway System to complete
25 construction of the Appalachian Development Highway System roads."

26 **SECTION 11.** G.S. 160A-300.1(c1) reads as rewritten:

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

34 **SECTION 12.** G.S. 160A-300.2(e), as enacted by Section 3 of S.L. 2001-286,
35 reads as rewritten:

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

43 **SECTION 13.** G.S. 160A-300.3(e), as enacted by Section 4 of S.L. 2001-286,
44 reads as rewritten:

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

1 **SECTION 14.** G.S. 160A-303(b1)(4) reads as rewritten:
2 "(4) Is left on any public street or highway for longer than seven ~~days~~days or is
3 determined by law enforcement to be a hazard to the motoring public."
4 **SECTION 15.** Sections 1, 2, 3, 4, 5, and 7 of this act become effective December
5 1, 2009, and apply to offenses committed on or after that date. The remainder of this act is
6 effective when it becomes law.