

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 349

Short Title: Traffic-Control Training Program. (Public)

Sponsors: Representatives Brody and McNeill (Primary Sponsors).

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, Judiciary 3, if favorable, Education - Community Colleges, if favorable, Rules, Calendar, and Operations of the House

March 23, 2021

A BILL TO BE ENTITLED

AN ACT TO DIRECT LOCAL LAW-ENFORCEMENT AGENCIES TO INCREASE THE AGE REQUIREMENT FOR TRAFFIC-CONTROL OFFICERS AND TO REQUIRE THE NORTH CAROLINA COMMUNITY COLLEGE SYSTEM TO OFFER A TRAFFIC-CONTROL TRAINING COURSE FOR THOSE THAT WOULD BE APPOINTED AS A TRAFFIC-CONTROL OFFICER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-114.1 reads as rewritten:

"§ 20-114.1. Willful failure to obey law-enforcement or traffic-control officer; firemen as traffic-control officers; appointment, etc., of traffic-control officers.

...

(c) The chief of police of a local or county police department or the sheriff of any county is authorized to appoint a person who is at least 21 years of age and who satisfies either of the training requirements listed in this subsection as a traffic-control officer, who shall have attained the age of 18 years and who are hereby officer. A person appointed as a traffic-control officer is authorized to direct, control, or regulate traffic within their—the respective jurisdictions jurisdiction at times and places specifically designated in writing by the police chief or the sheriff. A traffic-control officer, when exercising this authority, must be attired in a distinguishing uniform or jacket indicating that he—the person is a traffic-control officer and must possess a valid authorization card issued by the appointing police chief or sheriff who appointed him—sheriff. Unless an earlier expiration date is specified, an authorization card shall expire two—three years from the date of its issuance. In order to be appointed as a traffic-control officer, a person shall have received at least three hours of training in directing, controlling, or regulating traffic under the supervision of a law-enforcement officer. issuance, and the expiration date shall appear on the authorization card. A traffic-control officer shall be—is subject to the rules and regulations of the respective local or county police department or sheriff's office as well as the lawful command of any other law-enforcement officer. The appointing police chief or sheriff shall have—has the right to revoke the appointment of any traffic-control officer at any time with or without cause. The appointing police chief or sheriff shall not be held liable for any act or omission of a traffic-control officer. A traffic-control officer shall not be deemed to be an agent or employee of the respective local or county police department or of the sheriff's office, nor shall he—the traffic-control officer be considered a law-enforcement officer except as provided herein. A traffic-control officer shall not have nor—and shall he—not exercise the power of arrest. In order to be appointed under this subsection, a person must have completed either of the following:



- 1 (1) At least three hours of training in directing, controlling, or regulating traffic
2 under the supervision of a law-enforcement officer.
- 3 (2) Eight hours of approved training through a course offered by the North
4 Carolina Community College System in directing, controlling, or regulating
5 traffic. Four hours must be classroom training or instruction, and four hours
6 must be documented roadside training. A person who completed the training
7 course under this subdivision must take a refresher course in order to be
8 reappointed upon expiration of the person's initial appointment, unless the
9 person's appointment was revoked by the appointing law-enforcement agency.

10 (c1) The North Carolina Community College System, in consultation with the North
11 Carolina Justice Academy of the North Carolina Department of Justice, shall develop a training
12 program for traffic-control officers to be offered by the North Carolina Community College
13 System. The program shall include requirements for initial training and a refresher course. A
14 community college may charge a fee for the training and refresher courses. Upon completion of
15 the initial training and refresher courses, the community college shall provide the person with
16 documentation verifying completion of the course.

17 (d) No police chief or sheriff who is authorized to appoint traffic-control officers under
18 subsection (c) of this section shall appoint any person to direct, control, or regulate traffic unless
19 there is indemnity against liability of the traffic-control officer for wrongful death, bodily injury,
20 or property damage that is proximately caused by the negligence of the traffic-control officer
21 while acting within the scope of his duties as a traffic-control officer. ~~Such~~ The indemnity policy
22 shall not be cancelable within the authorization period and shall provide a minimum of
23 twenty-five thousand dollars (\$25,000) for the death of or bodily injury to one person in any one
24 accident, fifty thousand dollars (\$50,000) for the death of or bodily injury to two or more persons
25 in any one accident, and ten thousand dollars (\$10,000) for injury to or destruction of property
26 of others in any one accident. If the liability coverage required by this subsection is being
27 provided by a person or entity other than the appointing law-enforcement agency, the person
28 seeking appointment as a traffic-control officer must present proof of liability coverage meeting
29 the requirements of this subsection before the appointing police chief or sheriff issues an
30 authorization card to that person."

31 **SECTION 2.** This act becomes effective October 1, 2021.