

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 604

Short Title: Motorcycle Road Guard Certification. (Public)

Sponsors: Senators Alexander, Jarvis, and Galey (Primary Sponsors).

Referred to: Rules and Operations of the Senate

April 6, 2023

1 A BILL TO BE ENTITLED
2 AN ACT DIRECTING THE DIVISION OF MOTOR VEHICLES OF THE DEPARTMENT OF
3 TRANSPORTATION TO ESTABLISH A MOTORCYCLE ROAD GUARD
4 CERTIFICATION PROGRAM AND AUTHORIZING MOTORCYCLE ROAD GUARD
5 CERTIFICATE HOLDERS TO SERVE AS TRAFFIC-CONTROL OFFICERS.

6 The General Assembly of North Carolina enacts:

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

9 **"§ 20-114.2. Motorcycle road guard certification.**

10 (a) The Division shall establish a motorcycle road guard certification program. This
11 program shall do all of the following:

12 (1) Establish qualifications for a person to obtain a motorcycle road guard
13 certificate. These qualifications shall include all of the following
14 requirements:

15 a. The person is at least 18 years old.

16 b. The person possesses a valid regular drivers license with a motorcycle
17 endorsement.

18 c. The person has completed a motorcycle road guard certification
19 course.

20 (2) Develop and offer a motorcycle road guard certification and certification
21 refresher courses. This course shall include training related to serving as a
22 traffic-control officer pursuant to G.S. 20-114.1.

23 (3) Establish safety and equipment standards for a person who operates as a
24 traffic-control officer pursuant to a motorcycle road guard certificate,
25 including any requirements established by G.S. 20-114.1.

26 (4) Establish procedures enabling police chiefs and sheriffs to ensure the validity
27 of a person's motorcycle road guard certification.

28 (b) A motorcycle road guard certificate shall expire after two years, and the Division shall
29 require periodic refresher training for renewal of the certificate.

30 (c) The Division is authorized to charge a fee for a motorcycle road guard certification
31 and the motorcycle road guard certification course to offset the costs incurred in administering
32 the motorcycle road guard certification program."

33 **SECTION 2.** G.S. 20-114.1 reads as rewritten:

34 **"§ 20-114.1. Willful failure to obey law-enforcement or traffic-control officer; firemen as**
35 **traffic-control officers; appointment, etc., of traffic-control officers.**

36 ...



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

25 (1) At least three hours of training in directing, controlling, or regulating traffic
26 under the supervision of a law-enforcement officer.

27 (2) A motorcycle road guard certification pursuant to G.S. 20-114.2.

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

42 **SECTION 3.** The Division of Motor Vehicles of the Department of Transportation
43 shall adopt rules to implement this act.

44 **SECTION 4.** This act becomes effective January 1, 2024.