

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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**HOUSE BILL 563
Committee Substitute Favorable 4/26/07
Senate Judiciary II (Criminal) Committee Substitute Adopted 7/16/07**

Short Title: Traffic & Personal Safety Changes/Protests. (Public)

Sponsors:

Referred to:

March 12, 2007

A BILL TO BE ENTITLED

1 AN ACT TO MAKE CHANGES IN MOTOR VEHICLE LAW REGARDING WHAT
2 "PUBLIC SERVICE VEHICLE" MEANS, CHANGING THE WORD
3 STOPLIGHT TO TRAFFIC SIGNAL, CHANGING THE TIME ALLOWED FOR
4 REMOVAL OF A VEHICLE FROM A PUBLIC HIGHWAY OR REST AREA,
5 AND AUTHORIZING LOCAL GOVERNMENTS TO ADOPT ORDINANCES
6 REGULATING DEMONSTRATIONS ON STATE ROADS AND HIGHWAYS.
7

8 The General Assembly of North Carolina enacts:

9 **SECTION 1.** G.S. 20-157(f) reads as rewritten:

10 **"§ 20-157. Approach of law enforcement, fire department or rescue squad vehicles**
11 **or ambulances; driving over fire hose or blocking fire-fighting**
12 **equipment; parking, etc., near law enforcement, fire department, or**
13 **rescue squad vehicle or ambulance.**

14 ...

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

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

27 (2) Slow the vehicle, maintaining a safe speed for traffic conditions, and
28 operate the vehicle at a reduced speed and be prepared to stop until

1 completely past the authorized emergency vehicle or public service
 2 vehicle. This paragraph applies only if the roadway has only one lane
 3 for traffic proceeding in the direction of the approaching vehicle or if
 4 the approaching vehicle may not change lanes safely and without
 5 interfering with any vehicular traffic.

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

11"

12 **SECTION 2.** G.S. 20-158(b) reads as rewritten:

13 **"§ 20-158. Vehicle control signs and signals.**

14 ...

15 (b) Control of Vehicles at Intersections. –

16 (1) When a stop sign has been erected or installed at an intersection, it
 17 shall be unlawful for the driver of any vehicle to fail to stop in
 18 obedience thereto and yield the right-of-way to vehicles operating on
 19 the designated main-traveled or through highway. When stop signs
 20 have been erected at three or more entrances to an intersection, the
 21 driver, after stopping in obedience thereto, may proceed with caution.

22 (2) a. When a ~~steady beam~~ traffic signal is emitting a steady red
 23 circular light controlling traffic approaching an intersection, an
 24 approaching vehicle facing the red light shall come to a stop
 25 and shall not enter the intersection. After coming to a complete
 26 stop and unless prohibited by an appropriate sign, that
 27 approaching vehicle may make a right turn.

28 b. Any vehicle that turns right under this subdivision shall yield
 29 the right-of-way to:

- 30 1. Other traffic and pedestrians using the intersection; and
- 31 2. Pedestrians who are moving towards the intersection,
 32 who are in reasonably close proximity to the intersection,
 33 and who are preparing to cross in front of the traffic that
 34 is required to stop at the red light.

35 c. Failure to yield to a pedestrian under this subdivision shall be
 36 an infraction, and the court may assess a penalty of not more
 37 than five hundred dollars (\$500.00) and not less than one
 38 hundred dollars (\$100.00).

39 d. The Department of Transportation shall collect data regarding
 40 the number of individuals who are found responsible for
 41 violations of sub-subdivision b. of this subdivision and the
 42 number of pedestrians who are involved in accidents at
 43 intersections because of a driver's failure to yield the
 44 right-of-way while turning right at a red light. The data shall

1 include information regarding the number of disabled
 2 pedestrians, including individuals with visual or
 3 mobility-related disabilities, who are involved in right turn on
 4 red accidents. The Department shall report the data annually to
 5 the Joint Legislative Transportation Oversight Committee
 6 beginning January 1, 2006.

7 (2a) When a traffic signal is emitting a steady yellow circular light on a
 8 traffic signal controlling traffic approaching an intersection or a steady
 9 yellow arrow light on a traffic signal controlling traffic turning at an
 10 intersection, vehicles facing the yellow light are warned that the
 11 related green light is being terminated or a red light will be
 12 immediately forthcoming. When the traffic signal is emitting a steady
 13 green light, vehicles may proceed with due care through the
 14 intersection subject to the rights of pedestrians and other vehicles as
 15 may otherwise be provided by law.

16 (3) When a flashing red light has been erected or installed at an
 17 intersection, approaching vehicles facing the red light shall stop and
 18 yield the right-of-way to vehicles in or approaching the intersection.
 19 The right to proceed shall be subject to the rules applicable to making
 20 a stop at a stop sign.

21 (4) When a flashing yellow light has been erected or installed at an
 22 intersection, approaching vehicles facing the yellow flashing light may
 23 proceed through the intersection with caution, yielding the
 24 right-of-way to vehicles in or approaching the intersection.

25 (5) When a stop sign, ~~stoplight~~ traffic signal, flashing light, or other
 26 traffic-control device authorized by subsection (a) of this section
 27 requires a vehicle to stop at an intersection, the driver shall stop (i) at
 28 an appropriately marked stop line, or if none, (ii) before entering a
 29 marked crosswalk, or if none, (iii) before entering the intersection at
 30 the point nearest the intersecting street where the driver has a view of
 31 approaching traffic on the intersecting street.

32 (6) When a traffic signal is not illuminated due to a power outage or other
 33 malfunction, vehicles shall approach the intersection and proceed
 34 through the intersection as though such intersection is controlled by a
 35 stop sign on all approaches to the intersection. This subdivision shall
 36 not apply if the movement of traffic at the intersection is being
 37 directed by a law enforcement officer, another authorized person, or
 38 another type of traffic control device."

39 **SECTION 3.** G.S. 20-158(c) reads as rewritten:

40 "**§ 20-158. Vehicle control signs and signals.**

41 ...

42 (c) Control of Vehicles at Places other than Intersections. –

43 (1) When a stop sign has been erected or installed at a place other than an
 44 intersection, it shall be unlawful for the driver of any vehicle to fail to

1 stop in obedience thereto and yield the right-of-way to pedestrians and
 2 other vehicles.

3 (2) When a ~~stoplight~~traffic signal has been erected or installed at a place
 4 other than an intersection, and is emitting a steady red light, vehicles
 5 facing the red light shall come to a complete stop. When the
 6 ~~stoplight~~traffic signal is emitting a steady yellow light, vehicles facing
 7 the light shall be warned that a red light will be immediately
 8 forthcoming and that vehicles may not proceed through such a red
 9 light. When the ~~stoplight~~traffic signal is emitting a steady green light,
 10 vehicles may proceed subject to the rights of pedestrians and other
 11 vehicles as may otherwise be provided by law.

12 (3) When a flashing red light has been erected or installed at a place other
 13 than an intersection, approaching vehicles facing the light shall stop
 14 and yield the right-of-way to pedestrians or other vehicles.

15 (4) When a flashing yellow light has been erected or installed at a place
 16 other than an intersection, approaching vehicles facing the light may
 17 proceed with caution, yielding the right-of-way to pedestrians and
 18 other vehicles.

19 (5) When a ~~stoplight~~traffic signal, stop sign, or other ~~signaling~~traffic
 20 control device authorized by subsection (a) requires a vehicle to stop at
 21 a place other than an intersection, the driver shall stop at an
 22 appropriately marked stop line, or if none, before entering a marked
 23 crosswalk, or if none, before proceeding past the ~~signaling~~traffic
 24 control device.

25"

26 **SECTION 4.** G.S. 20-161(e) reads as rewritten:

27 **"§ 20-161. Stopping on highway prohibited; warning signals; removal of vehicles**
 28 **from public highway.**

29 ...

30 (e) When any vehicle is parked or left standing upon the right-of-way of a public
 31 ~~highway~~highway, including rest areas, for a period of ~~48-24~~ hours or more, the owner
 32 shall be deemed to have appointed any investigating law-enforcement officer his agent
 33 for the purpose of arranging for the transportation and safe storage of such vehicle and
 34 such investigating law-enforcement officer shall be deemed a legal possessor of the
 35 motor vehicle within the meaning of that term as it appears in G.S. 44A-2(d).

36"

37 **SECTION 5.** G.S. 20-161(f) reads as rewritten:

38 **"§ 20-161. Stopping on highway prohibited; warning signals; removal of vehicles**
 39 **from public highway.**

40 ...

41 (f) Any investigating law enforcement officer, with the concurrence of the
 42 Department of Transportation, may immediately remove or cause to be removed from a
 43 ~~controlled-access highway~~the State highway system any wrecked, abandoned, disabled,
 44 unattended, burned, or partially dismantled vehicle, cargo, or other personal property

1 interfering with the regular flow of traffic or which otherwise constitutes a hazard. In
2 the event of a motor vehicle crash involving serious personal injury or death, no
3 removal shall occur until the investigating law enforcement officer determines that
4 adequate information has been obtained for preparation of a crash report. No state or
5 local law enforcement officer, Department of Transportation employee, or person or
6 firm contracting or assisting in the removal or disposition of any such vehicle, cargo, or
7 other personal property shall be held criminally or civilly liable for any damage or
8 economic injury related to carrying out or enforcing the provisions of this section.

9"

10 **SECTION 6.** Article 3 of Chapter 20 of the General Statutes is amended by
11 adding a new section to read:

12 "**§ 20-174.2. Local ordinances; pedestrians gathering, picketing, or protesting on**
13 **roads or highways.**

14 (a) A municipality or a county may adopt an ordinance regulating the time, place,
15 and manner of gatherings, picket lines, or protests by pedestrians that occur on State
16 roadways and State highways.

17 (b) Nothing in this section shall permit a municipality or a county to impose
18 restrictions or prohibitions on the activities of any of the following persons who are
19 engaged in construction or maintenance, or in making traffic or engineering surveys:

20 (1) Licensees, employees, or contractors of the Department of
21 Transportation.

22 (2) Licensees, employees, or contractors of a municipality."

23 **SECTION 7.** This act is effective when it becomes law.