

**GENERAL ASSEMBLY OF NORTH CAROLINA**  
**SESSION 2007**

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**HOUSE BILL 976**  
**Committee Substitute Favorable 4/19/07**  
**Committee Substitute #2 Favorable 5/21/07**  
**Senate Judiciary I (Civil) Committee Substitute Adopted 7/23/07**

Short Title: Public Vehicular Areas Defined.

(Public)

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Sponsors:

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Referred to:

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March 22, 2007

A BILL TO BE ENTITLED

AN ACT TO CLARIFY THE DEFINITION OF PUBLIC VEHICULAR AREA IN  
MOTOR VEHICLE LAW AND TO REQUIRE ACCESS TO GATED  
COMMUNITIES FOR EMERGENCY SERVICE VEHICLES.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-4.01(32) reads as rewritten:

**"§ 20-4.01. Definitions.**

Unless the context requires otherwise, the following definitions apply throughout  
this Chapter to the defined words and phrases and their cognates:

...

(32) Public Vehicular Area. – Any area within the State of North Carolina  
that meets one or more of the following requirements:

- a. The area is used by the public for vehicular traffic at any time,  
including by way of illustration and not limitation any drive,  
driveway, road, roadway, street, alley, or parking lot upon the  
grounds and premises of any of the following:
  1. Any public or private hospital, college, university,  
school, orphanage, church, or any of the institutions,  
parks or other facilities maintained and supported by the  
State of North Carolina or any of its subdivisions.
  2. Any service station, drive-in theater, supermarket, store,  
restaurant, or office building, or any other business,  
residential, or municipal establishment providing parking  
space whether the business or establishment is open or  
closed.
  3. Any property owned by the United States and subject to  
the jurisdiction of the State of North Carolina. (The

1 inclusion of property owned by the United States in this  
2 definition shall not limit assimilation of North Carolina  
3 law when applicable under the provisions of Title 18,  
4 United States Code, section 13).

5 b. The area is a beach area used by the public for vehicular traffic.

6 c. The area is a road used by vehicular traffic within or leading to  
7 a gated or non-gated subdivision or community, whether or not  
8 the subdivision or community roads have been offered for  
9 dedication to the public.

10 d. The area is a portion of private property used by vehicular  
11 traffic and designated by the private property owner as a public  
12 vehicular area in accordance with G.S. 20-219.4."

13 **SECTION 2.** Part 10 of Article 3 of Chapter 20 of the General Statutes is  
14 amended by adding a new section to read:

15 "**§ 20-158.3. Emergency entry to controlled access roads.**

16 Any person, association, or other legal entity having responsibility for a controlled  
17 access system on a road that is a public vehicular area shall provide a means of  
18 immediate access to all emergency service vehicles, which shall include law  
19 enforcement, fire, rescue, ambulance, and first responder vehicles. This section shall not  
20 apply to any entity where federal regulations and requirements on its activities preempt  
21 application of State regulations or requirements."

22 **SECTION 3.** This act becomes effective December 1, 2007.