

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 15
Committee Substitute Favorable 2/13/13
Senate Agriculture/Environment/Natural Resources Committee Substitute Adopted
7/2/13

Short Title: Various Emergency Management Changes. (Public)

Sponsors:

Referred to:

January 31, 2013

A BILL TO BE ENTITLED

AN ACT TO (1) FACILITATE THE USE OF VEHICLES EXCLUSIVELY FOR LAW ENFORCEMENT, FIREFIGHTING, OR OTHER EMERGENCY RESPONSE PURPOSES BY THE DIVISION OF PARKS AND RECREATION OF THE DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES AND THE NORTH CAROLINA FOREST SERVICE OF THE DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES; (2) DIRECT THE DEPARTMENT OF PUBLIC SAFETY TO STUDY METHODS OF ALLOWING PRISONERS TO CONTRIBUTE TO CLEANUP AND MITIGATION EFFORTS IN CONNECTION WITH STATES OF EMERGENCY DECLARED IN THIS STATE; AND (3) AMEND THE LAW GOVERNING ASSIGNMENT OF STATE-OWNED MOTOR VEHICLES.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 20-125(b) reads as rewritten:

"(b) Every vehicle owned ~~and~~ or operated by a police department or by the Department of Public Safety including the State Highway Patrol or by the Wildlife Resources Commission or the Division of Marine ~~Fisheries~~ Fisheries, or by the Division of Parks and Recreation of the Department of Environment and Natural Resources, or by the North Carolina Forest Service of the Department of Agriculture and Consumer Services, and used exclusively for law ~~enforcement~~ enforcement, firefighting, or other emergency response purposes, or by the Division of Emergency Management, or by a fire department, either municipal or rural, or by a fire patrol, whether such fire department or patrol be a paid organization or a voluntary association, vehicles used by an organ procurement organization or agency for the recovery and transportation of human tissues and organs for transplantation, and every ambulance or emergency medical service emergency support vehicle used for answering emergency calls, shall be equipped with special lights, bells, sirens, horns or exhaust whistles of a type approved by the Commissioner of Motor Vehicles.

The operators of all such vehicles so equipped are hereby authorized to use such equipment at all times while engaged in the performance of their duties and services, both within their respective corporate limits and beyond.

In addition to the use of special equipment authorized and required by this subsection, the chief and assistant chiefs of any police department or of any fire department, whether the same be municipal or rural, paid or voluntary, county fire marshals, assistant fire marshals, transplant coordinators, and emergency management coordinators, are hereby authorized to use such special equipment on privately owned vehicles operated by them while actually engaged in the



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1 performance of their official or semiofficial duties or services either within or beyond their
2 respective corporate limits.

3 And vehicles driven by law enforcement officers of the North Carolina Division of Motor
4 Vehicles shall be equipped with a bell, siren, or exhaust whistle of a type approved by the
5 Commissioner, and all vehicles owned and operated by the State Bureau of Investigation for
6 the use of its agents and officers in the performance of their official duties may be equipped
7 with special lights, bells, sirens, horns or exhaust whistles of a type approved by the
8 Commissioner of Motor Vehicles.

9 Every vehicle used or operated for law enforcement purposes by the sheriff or any salaried
10 deputy sheriff or salaried rural policeman of any county, whether owned by the county or not,
11 may be, but is not required to be, equipped with special lights, bells, sirens, horns or exhaust
12 whistles of a type approved by the Commissioner of Motor Vehicles. Such special equipment
13 shall not be operated or activated by any person except by a law enforcement officer while
14 actively engaged in performing law enforcement duties.

15 In addition to the use of special equipment authorized and required by this subsection, the
16 chief and assistant chiefs of each emergency rescue squad which is recognized or sponsored by
17 any municipality or civil preparedness agency, are hereby authorized to use such special
18 equipment on privately owned vehicles operated by them while actually engaged in their
19 official or semiofficial duties or services either within or beyond the corporate limits of the
20 municipality which recognizes or sponsors such organization."

21 **SECTION 1.(b)** G.S. 20-130.1 reads as rewritten:

22 **"§ 20-130.1. Use of red or blue lights on vehicles prohibited; exceptions.**

23 (a) It is unlawful for any person to install or activate or operate a red light in or on any
24 vehicle in this State. As used in this subsection, unless the context requires otherwise, "red
25 light" means an operable red light not sealed in the manufacturer's original package which: (i)
26 is designed for use by an emergency vehicle or is similar in appearance to a red light designed
27 for use by an emergency vehicle; and (ii) can be operated by use of the vehicle's battery,
28 vehicle's electrical system, or a dry cell battery. As used in this subsection, the term "red light"
29 shall also mean any forward facing red light installed on a vehicle after initial manufacture of
30 the vehicle.

31 (b) The provisions of subsection (a) of this section do not apply to the following:

- 32 (1) A police ~~car~~; vehicle.
- 33 (2) A highway patrol ~~car~~; vehicle.
- 34 (3) A vehicle owned by the Wildlife Resources Commission and operated
35 exclusively for ~~law enforcement purposes~~; law enforcement, firefighting, or
36 other emergency response purposes.
- 37 (4) An ~~ambulance~~; ambulance.
- 38 (5) A vehicle used by an organ procurement organization or agency for the
39 recovery and transportation of blood, human tissues, or organs for
40 ~~transplantation~~; transplantation.
- 41 (6) A fire-fighting ~~vehicle~~; vehicle.
- 42 (7) A school ~~bus~~; bus.
- 43 (8) A vehicle operated by any member of a municipal or rural fire department in
44 the performance of his duties, regardless of whether members of that fire
45 department are paid or ~~voluntary~~; voluntary.
- 46 (9) A vehicle of a voluntary lifesaving organization (including the private
47 vehicles of the members of such an organization) that has been officially
48 approved by the local police authorities and which is manned or operated by
49 members of that organization while answering an official ~~call~~; call.
- 50 (10) A vehicle operated by medical doctors or anesthetists in
51 ~~emergencies~~; emergencies.

- 1 (11) A motor vehicle used in law enforcement by the sheriff, or any salaried rural
 2 policeman in any county, regardless of whether or not the county owns the
 3 ~~vehicle;vehicle.~~
 4 (11a) A vehicle operated by the State Fire Marshal or his representatives in the
 5 performance of their duties, whether or not the State owns the
 6 ~~vehicle;vehicle.~~
 7 (12) A vehicle operated by any county fire marshal, assistant fire marshal, or
 8 emergency management coordinator in the performance of his duties,
 9 regardless of whether or not the county owns the ~~vehicle;vehicle.~~
 10 (13) A light required by the Federal Highway ~~Administration;Administration.~~
 11 (14) A vehicle operated by a transplant coordinator who is an employee of an
 12 organ procurement organization or agency when the transplant coordinator is
 13 responding to a call to recover or transport human tissues or organs for
 14 ~~transplantation;transplantation.~~
 15 (15) A vehicle operated by an emergency medical service as an emergency
 16 support ~~vehicle;vehicle.~~
 17 (16) A State emergency management ~~vehicle;andvehicle.~~
 18 (17) An Incident Management Assistance Patrol vehicle operated by the
 19 Department of Transportation, when using rear-facing red lights while
 20 stopped for the purpose of providing assistance or incident management.
 21 (18) A vehicle operated by the Division of Marine Fisheries or the Division of
 22 Parks and Recreation of the Department of Environment and Natural
 23 Resources that is used for law enforcement, firefighting, or other emergency
 24 response purpose.
 25 (19) A vehicle operated by the North Carolina Forest Service of the Department
 26 of Agriculture and Consumer Services that is used for law enforcement,
 27 firefighting, or other emergency response purpose.
 28 (20) A vehicle operated by official members or Teams of REACT International,
 29 Inc., that is used to provide additional manpower authorized by law
 30 enforcement, firefighting, or other emergency response entities.

31"

32 **SECTION 1.(c)** G.S. 20-145 reads as rewritten:

33 **"§ 20-145. When speed limit not applicable.**

34 The speed limitations set forth in this Article shall not apply to vehicles when operated with
 35 due regard for safety under the direction of the police in the chase or apprehension of violators
 36 of the law or of persons charged with or suspected of any such violation, nor to fire department
 37 or fire patrol vehicles when traveling in response to a fire alarm, nor to public or private
 38 ambulances and rescue squad emergency service vehicles when traveling in emergencies, nor
 39 to vehicles operated by county fire marshals and civil preparedness coordinators when traveling
 40 in the performances of their ~~duties;duties~~, nor to any of the following when either operated by a
 41 law enforcement officer in the chase or apprehension of violators of the law or of persons
 42 charged with or suspected of any such violation, when traveling in response to a fire alarm, or
 43 for other emergency response purposes: (i) a vehicle operated by the Division of Marine
 44 Fisheries or the Division of Parks and Recreation of the Department of Environment and
 45 Natural Resources or (ii) a vehicle operated by the North Carolina Forest Service of the
 46 Department of Agriculture and Consumer Services. This exemption shall not, however, protect
 47 the driver of any such vehicle from the consequence of a reckless disregard of the safety of
 48 others."

49 **SECTION 1.(d)** G.S. 20-156(b) reads as rewritten:

50 "(b) The driver of a vehicle upon the highway shall yield the right-of-way to police and
 51 fire department vehicles and public and private ambulances, vehicles used by an organ

1 procurement organization or agency for the recovery or transportation of human tissues and
2 organs for transplantation or a vehicle operated by a transplant coordinator who is an employee
3 of an organ procurement organization or agency when the transplant coordinator is responding
4 to a call to recover or transport human tissues or organs for transplantation, and to rescue squad
5 emergency service vehicles and vehicles operated by county fire marshals and civil
6 preparedness ~~coordinators~~ coordinators, and to a vehicle operated by the Division of Marine
7 Fisheries or the Division of Parks and Recreation of the Department of Environment and
8 Natural Resources when used for law enforcement, firefighting, or other emergency response
9 purpose, and to a vehicle operated by the North Carolina Forest Service of the Department of
10 Agriculture and Consumer Services when used for a law enforcement, firefighting, or other
11 emergency response purpose, when the operators of said vehicles are giving a warning signal
12 by appropriate light and by bell, siren or exhaust whistle audible under normal conditions from
13 a distance not less than 1,000 feet. When appropriate warning signals are being given, as
14 provided in this subsection, an emergency vehicle may proceed through an intersection or other
15 place when the emergency vehicle is facing a stop sign, a yield sign, or a traffic light which is
16 emitting a flashing strobe signal or a beam of steady or flashing red light. This provision shall
17 not operate to relieve the driver of a police or fire department ~~vehicle-vehicle~~, or a vehicle
18 owned or operated by the Department of Environment and Natural Resources, or the
19 Department of Agriculture and Consumer Services, or public or private ambulance or vehicles
20 used by an organ procurement organization or agency for the recovery or transportation of
21 human tissues and organs for transplantation or a vehicle operated by a transplant coordinator
22 who is an employee of an organ procurement organization or agency when the transplant
23 coordinator is responding to a call to recover or transport human tissues or organs for
24 transplantation, or rescue squad emergency service vehicle or county fire marshals or civil
25 preparedness coordinators from the duty to drive with due regard for the safety of all persons
26 using the highway, nor shall it protect the driver of any such vehicle or county fire marshal or
27 civil preparedness coordinator from the consequence of any arbitrary exercise of such
28 right-of-way."

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

30 "(a) Upon the approach of any law enforcement or fire department vehicle or public or
31 private ambulance or rescue squad emergency service ~~vehicle-vehicle~~, or a vehicle operated by
32 the Division of Marine Fisheries, or the Division of Parks and Recreation of the Department of
33 Environment and Natural Resources, or the North Carolina Forest Service of the Department of
34 Agriculture and Consumer Services when traveling in response to a fire alarm or other
35 emergency response purpose, giving warning signal by appropriate light and by audible bell,
36 siren or exhaust whistle, audible under normal conditions from a distance not less than 1000
37 feet, the driver of every other vehicle shall immediately drive the same to a position as near as
38 possible and parallel to the right-hand edge or curb, clear of any intersection of streets or
39 highways, and shall stop and remain in such position unless otherwise directed by a law
40 enforcement or traffic officer until the law enforcement or fire department ~~vehicle-vehicle~~, or
41 the vehicle operated by the Division of Marine Fisheries, or the Division of Parks and
42 Recreation of the Department of Environment and Natural Resources, or the North Carolina
43 Forest Service of the Department of Agriculture and Consumer Services, or the public or
44 private ambulance or rescue squad emergency service vehicle shall have passed. Provided,
45 however, this subsection shall not apply to vehicles traveling in the opposite direction of the
46 vehicles herein enumerated when traveling on a four-lane limited access highway with a
47 median divider dividing the highway for vehicles traveling in opposite directions, and provided
48 further that the violation of this subsection shall be negligence per se. Violation of this
49 subsection is a Class 2 misdemeanor."

50 **SECTION 2.** The Department of Public Safety shall study methods of allowing
51 prisoners to contribute to cleanup and mitigation efforts in connection with states of emergency

1 declared in this State. No later than October 1, 2013, the Department shall report its findings
2 and recommendations to the Joint Legislative Emergency Management Oversight Committee
3 and to the Joint Legislative Oversight Committee on Justice and Public Safety. The report shall
4 include at least the following:

- 5 (1) A list of the type and number of prisoners incarcerated by the Department of
6 Public Safety that might be available to respond to emergencies in this State.
- 7 (2) Options for methods of deploying prisoners to respond to, and assist with,
8 cleanup and mitigation efforts in connection with states of emergency based
9 on the type and location of an emergency.
- 10 (3) A statement of the resources that would be required to implement these
11 options and an estimate of the cost of each option.
- 12 (4) Identification of any legal, practical, or financial obstacles that would need
13 to be addressed before prisoners could be deployed in this manner.

14 **SECTION 3.** G.S. 143-341 reads as rewritten:

15 **"§ 143-341. Powers and duties of Department.**

16 The Department of Administration has the following powers and duties:

17 ...

18 (8) General Services:

19 ...

- 20 i. To establish and operate a central motor pool and such subsidiary
21 related facilities as the Secretary may deem necessary, and to that
22 end:

23 ...

- 24 7a. To adopt with the approval of the Governor and to enforce
25 rules and to coordinate State policy regarding (i) the
26 permanent assignment of state-owned passenger motor
27 vehicles and (ii) the use of and reimbursement for those
28 vehicles for the limited commuting permitted by this
29 subdivision. For the purpose of this subdivision 7a,
30 "state-owned passenger motor vehicle" includes any
31 state-owned passenger motor vehicle, whether or not owned,
32 maintained or controlled by the Department of
33 Administration, and regardless of the source of the funds used
34 to purchase it. Notwithstanding the provisions of G.S. 20-190
35 or any other provisions of law, all state-owned passenger
36 motor vehicles are subject to the provisions of this
37 subdivision 7a; no permanent assignment shall be made and
38 no one shall be exempt from payment of reimbursement for
39 commuting or from the other provisions of this subdivision 7a
40 except as provided by this subdivision 7a. Commuting, as
41 defined and regulated by this subdivision, is limited to those
42 specific cases in which the Secretary has received and
43 accepted written justification, verified by historical data. The
44 Department shall not assign any state-owned motor vehicle
45 that may be used for commuting other than those authorized
46 by the procedure prescribed in this ~~subdivision~~subdivision,
47 except the Department may assign a vehicle to an official
48 elected to a statewide office who also has statewide
49 emergency response duties, and any such assignment shall be
50 exempt from the payment of reimbursement for commuting
51 under this subdivision.

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SECTION 4. Section 1 of this act becomes effective October 1, 2013. The remainder of this act is effective when it becomes law.