

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 438  
Judiciary I Committee Substitute Adopted 6/13/01**

Short Title: Clarify Public Vehicular Area.

(Public)

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Sponsors:

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Referred to:

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March 13, 2001

A BILL TO BE ENTITLED

1 AN ACT TO ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC  
2 VEHICULAR AREA BY THE PRIVATE PROPERTY OWNER.  
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4 The General Assembly of North Carolina enacts:

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

6 "(32) Public Vehicular Area. – Any area within the State of North Carolina  
7 that is generally open to and used by the public for vehicular traffic,  
8 including by way of illustration and not limitation any drive, driveway,  
9 road, roadway, street, alley, or parking lot upon the grounds and  
10 premises of:

- 11 a. Any public or private hospital, college, university, school,  
12 orphanage, church, or any of the institutions, parks or other  
13 facilities maintained and supported by the State of North  
14 Carolina or any of its subdivisions; or  
15 b. Any service station, drive-in theater, supermarket, store,  
16 restaurant, or office building, or any other business, residential,  
17 or municipal establishment providing parking space for  
18 customers, patrons, or the public; or  
19 c. Any property owned by the United States and subject to the  
20 jurisdiction of the State of North Carolina. (The inclusion of  
21 property owned by the United States in this definition shall not  
22 limit assimilation of North Carolina law when applicable under  
23 the provisions of Title 18, United States Code, section 13).

24 The term "public vehicular area" shall also include any beach area  
25 used by the public for vehicular traffic as well as any road opened to  
26 vehicular traffic within or leading to a subdivision for use by  
27 subdivision residents, their guests, and members of the public, whether  
28 or not the subdivision roads have been offered for dedication to the  
29 public. The term "public vehicular area" shall not be construed to

1 mean any private property not generally open to and used by the  
2 public.

3 Notwithstanding any other provision of this Article, the term  
4 "public vehicular area" shall also include any portion of private  
5 property used for vehicular traffic and designated by the private  
6 property owner as a public vehicular area. A private property owner  
7 may designate any area as a public vehicular area by registering the  
8 area with the Department of Transportation and by erecting a sign,  
9 provided by the Department, identifying the area as a public vehicular  
10 area. Any signs erected pursuant to this provision shall be placed so as  
11 to provide reasonable notice to motorists.

12 The Department of Transportation shall produce signs stating that  
13 an area is a public vehicular area subject to State motor vehicle laws.  
14 A private property owner may request signs by completing any form  
15 required by the Department. The Secretary may charge fees, payable  
16 upon the filing of a request, to a private property owner who requests  
17 signs and registration of a designated area as a public vehicular area  
18 under this section. Fees charged under this section may not exceed  
19 five hundred dollars (\$500.00) per sign and twenty-five dollars  
20 (\$25.00) per registration request. Fees collected under this section shall  
21 be applied to the cost of producing the signs and the cost of  
22 maintaining the registry."

23 **SECTION 2.** G.S. 136-91(b) reads as rewritten:

24 "(b) As used in this section:

- 25 (1) "Highway" shall be defined as it is in ~~Article 3 of Chapter 20;~~ G.S. 20-  
26 4.01; and  
27 (2) "Public vehicular area" shall be defined as ~~any driveway, roadway,~~  
28 ~~parking lot, or other public or private area open to the public, or a~~  
29 ~~segment of the public, for vehicular traffic or parking.~~ it is in G.S. 20-  
30 4.01."

31 **SECTION 3.** This act becomes effective December 1, 2001, and applies to  
32 offenses committed on or after that date.