

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003**

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**HOUSE BILL 147  
Committee Substitute Favorable 3/19/03  
Senate Judiciary II Committee Substitute Adopted 6/4/03**

Short Title: Left Turn on Red.

(Public)

Sponsors:

Referred to:

February 27, 2003

A BILL TO BE ENTITLED

AN ACT TO PERMIT LEFT TURNS ON RED IN CERTAIN SITUATIONS, TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY, AND TO INCREASE THE PENALTY AND DRIVERS LICENSE POINTS ASSESSED FOR FAILING TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-158(b) reads as rewritten:

"(b) Control of Vehicles at Intersections. –

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

(2) ~~Vehicles facing a red light controlling traffic passing straight through an intersection from a steady or strobe beam stoplight shall not enter the intersection while the steady or strobe beam stoplight is emitting a red light controlling traffic passing straight through an intersection; provided that, except where prohibited by an appropriate sign, vehicular traffic facing a red light controlling traffic passing straight through an intersection, after coming to a complete stop at the intersection, may enter the intersection to make a right turn but such vehicle shall yield the right of way to pedestrians and to other traffic using the intersection.~~

a. When a steady or strobe beam stoplight is emitting a red light controlling traffic passing through an intersection, an approaching vehicle facing the red light shall come to a stop and shall not enter the intersection. After coming to a complete

1                    stop and unless prohibited by an appropriate sign, that  
2                    approaching vehicle may turn under one of the following  
3                    conditions:

4                    1.     That vehicle may make a right turn.

5                    2.     If that vehicle is in the leftmost lane of travel on a  
6                    one-way street that intersects with another one-way  
7                    street with traffic traveling from the turning driver's right  
8                    to the turning driver's left, then that vehicle may enter the  
9                    intersection and make a left turn into the extreme  
10                   left-hand lane lawfully available to traffic.

11                   b.     Any vehicle that turns left or right under this subdivision shall  
12                   yield the right-of-way to:

13                   1.     Other traffic and pedestrians using the intersection; and

14                   2.     Pedestrians who are moving towards the intersection,  
15                   who are in reasonably close proximity to the intersection,  
16                   and who are preparing to cross in front of the traffic that  
17                   is required to stop at the red light.

18                   c.     Failure to yield to a pedestrian under this subdivision shall be  
19                   an infraction, and the court may assess a penalty of not more  
20                   than one thousand dollars (\$1,000) but not less than one  
21                   hundred dollars (\$100.00). Municipalities and the Department  
22                   of Transportation shall post signs stating that vehicles must  
23                   yield the right-of-way to pedestrians at those intersections  
24                   where vehicles will be allowed to turn left on a red light.

25                   (2a)   ~~the~~ a stoplight is emitting a steady yellow circular light on a  
26                   traffic signal controlling traffic passing straight through an intersection  
27                   or a steady yellow arrow light on a traffic signal controlling traffic  
28                   turning at an intersection, vehicles facing the yellow light are warned  
29                   that the related green light is being terminated or a red light will be  
30                   immediately forthcoming. When the stoplight is emitting a steady  
31                   green light, vehicles may proceed with due care through the  
32                   intersection subject to the rights of pedestrians and other vehicles as  
33                   may otherwise be provided by law.

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

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

43                   (5)     When a stop sign, stoplight, flashing light, or other traffic-control  
44                   device authorized by subsection (a) of this section requires a vehicle to

stop at an intersection, the driver shall stop (i) at an appropriately marked stop line, or if none, (ii) before entering a marked crosswalk, or if none, (iii) before entering the intersection at the point nearest the intersecting street where the driver has a view of approaching traffic on the intersecting street."

SECTION 2. G.S. 20-16(c) reads as rewritten:

"(c) The Division shall maintain a record of convictions of every person licensed or required to be licensed under the provisions of this Article as an operator and shall enter therein records of all convictions of such persons for any violation of the motor vehicle laws of this State and shall assign to the record of such person, as of the date of commission of the offense, a number of points for every such conviction in accordance with the following schedule of convictions and points, except that points shall not be assessed for convictions resulting in suspensions or revocations under other provisions of laws: Further, any points heretofore charged for violation of the motor vehicle inspection laws shall not be considered by the Division of Motor Vehicles as a basis for suspension or revocation of driver's license:

Schedule of Point Values

Table listing various traffic violations and their corresponding point values, such as 'Passing stopped school bus' (5 points), 'Reckless driving' (4 points), 'Hit and run, property damage only' (4 points), etc.

Schedule of Point Values for Violations While Operating a Commercial Motor Vehicle

Table listing violations for commercial motor vehicles and their point values, such as 'Passing stopped school bus' (8 points) and 'Rail-highway crossing violation' (6 points).

1 Careless and reckless driving in violation of  
2 G.S. 20-140(f) .....6  
3 Speeding in violation of G.S. 20-141(j3) .....6  
4 Reckless driving .....5  
5 Hit and run, property damage only .....5  
6 Following too close .....5  
7 Driving on wrong side of road .....5  
8 Illegal passing .....5  
9 Failure to yield right-of-way to pedestrian  
10 pursuant to G.S. 20-158(b)(2) .....5  
11 Running through stop sign .....4  
12 Speeding in excess of 55 miles per hour .....4  
13 Failing to yield right-of-way .....4  
14 Running through red light .....4  
15 No driver's license or license expired more than one year .....4  
16 Failure to stop for siren .....4  
17 Driving through safety zone .....4  
18 No liability insurance .....4  
19 Failure to report accident where such report is required .....4  
20 Speeding in a school zone in excess of the posted school  
21 zone speed limit .....4  
22 Possessing alcoholic beverages in the passenger area of  
23 a commercial motor vehicle .....4  
24 All other moving violations .....3  
25 Littering pursuant to G.S. 14-399 when the littering  
26 involves the use of a motor vehicle .....1  
27 The above provisions of this subsection shall only apply to violations and  
28 convictions which take place within the State of North Carolina. The Schedule of Point  
29 Values for Violations While Operating a Commercial Motor Vehicle shall not apply to  
30 any commercial motor vehicle known as an "aerial lift truck" having a hydraulic arm  
31 and bucket station, and to any commercial motor vehicle known as a "line truck" having  
32 a hydraulic lift for cable, if the vehicle is owned, operated by or under contract to a  
33 public utility, electric or telephone membership corporation or municipality and used in  
34 connection with installation, restoration or maintenance of utility services.  
35 No points shall be assessed for conviction of the following offenses:  
36 Overloads  
37 Over length  
38 Over width  
39 Over height  
40 Illegal parking  
41 Carrying concealed weapon  
42 Improper plates  
43 Improper registration  
44 Improper muffler

1 Improper display of license plates or dealers' tags  
2 Unlawful display of emblems and insignia  
3 Failure to display current inspection certificate.

4 In case of the conviction of a licensee of two or more traffic offenses committed on a  
5 single occasion, such licensee shall be assessed points for one offense only and if the  
6 offenses involved have a different point value, such licensee shall be assessed for the  
7 offense having the greater point value.

8 Upon the restoration of the license or driving privilege of such person whose license  
9 or driving privilege has been suspended or revoked because of conviction for a traffic  
10 offense, any points that might previously have been accumulated in the driver's record  
11 shall be cancelled.

12 Whenever any licensee accumulates as many as seven points or accumulates as  
13 many as four points during a three-year period immediately following reinstatement of  
14 his license after a period of suspension or revocation, the Division may request the  
15 licensee to attend a conference regarding such licensee's driving record. The Division  
16 may also afford any licensee who has accumulated as many as seven points or any  
17 licensee who has accumulated as many as four points within a three-year period  
18 immediately following reinstatement of his license after a period of suspension or  
19 revocation an opportunity to attend a driver improvement clinic operated by the  
20 Division and, upon the successful completion of the course taken at the clinic, three  
21 points shall be deducted from the licensee's conviction record; provided, that only one  
22 deduction of points shall be made on behalf of any licensee within any five-year period.

23 When a license is suspended under the point system provided for herein, the first  
24 such suspension shall be for not more than 60 days; the second such suspension shall  
25 not exceed six months and any subsequent suspension shall not exceed one year.

26 Whenever the driver's license of any person is subject to suspension under this  
27 subsection and at the same time also subject to suspension or revocation under other  
28 provisions of laws, such suspensions or revocations shall run concurrently.

29 In the discretion of the Division, a period of probation not to exceed one year may  
30 be substituted for suspension or for any unexpired period of suspension under  
31 subsections (a)(1) through (a)(10a) of this section. Any violation of probation during the  
32 probation period shall result in a suspension for the unexpired remainder of the  
33 suspension period. Any accumulation of three or more points under this subsection  
34 during a period of probation shall constitute a violation of the condition of probation."

35 **SECTION 3.** The North Carolina Rate Bureau shall assign no more than one  
36 insurance point under the Safe Driver Incentive Plan for persons who fail to yield to a  
37 pedestrian under G.S. 20-158(b)(2).

38 **SECTION 4.** The Department of Transportation shall collect data regarding  
39 pedestrians who are involved in accidents at intersections because of a driver's failure to  
40 yield the right-of-way while turning right or left at a red light. The Department shall  
41 report the data to the Joint Legislative Transportation Oversight Committee by January  
42 1, 2006. The Transportation Oversight Committee shall make recommendations to the  
43 2006 Regular Session of the 2005 General Assembly regarding the appropriate number

1 of drivers license points that should be assessed against a driver who fails to yield to a  
2 pedestrian while turning right or left at a red light.

3           **SECTION 5.** The Department of Transportation, as part of any regularly  
4 scheduled updates, shall revise the written portion of the drivers license examination  
5 and any publications related to obtaining a drivers license to reflect the changes in  
6 Sections 1 and 2 of this act.

7           **SECTION 6.** The Department of Transportation, counties, and  
8 municipalities are encouraged to provide public service announcements on television  
9 and radio informing the public of the provisions of this act. The public service  
10 announcements should be scheduled to occur during times most likely to reach a broad  
11 audience.

12           **SECTION 7.** This act becomes effective December 1, 2003. Sections 2 and  
13 3 of this act expire July 1, 2006.