

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE DRH50193-MA-209 (3/6)

Short Title: Traffic and Personal Safety Changes.-AB (Public)

Sponsors: Representatives Sutton and Stiller (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO MAKE CHANGES IN MOTOR VEHICLE LAW REGARDING THE WEARING OF A SAFETY HELMET BY USE OF A RETENTION STRAP, WHAT "PUBLIC SERVICE VEHICLE" MEANS, CHANGING THE WORD STOPLIGHT TO TRAFFIC SIGNAL, AND CHANGING THE TIME ALLOWED FOR REMOVAL OF A VEHICLE FROM A PUBLIC HIGHWAY OR REST AREA.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-140.4 reads as rewritten:

"§ 20-140.4. **Special provisions for motorcycles and mopeds.**

(a) No person shall operate a motorcycle or moped upon a highway or public vehicular area:

(1) When the number of persons upon such motorcycle or moped, including the operator, shall exceed the number of persons which it was designed to carry.

(2) Unless the operator and all passengers thereon wear ~~safety helmets of a type approved by the Commissioner of Motor Vehicles on their head,~~ safety helmets of a type that complies with Federal Motor Vehicle Safety Standard (FMVSS) 218.

(b) Violation of any provision of this section shall not be considered negligence per se or contributory negligence per se in any civil action.

(c) Any person convicted of violating this section shall have committed an infraction and shall be fined according to G.S. 20-135.2A(e) and (f)."

SECTION 2. G.S. 20-157(f) reads as rewritten:

"§ 20-157. **Approach of law enforcement, fire department or rescue squad vehicles or ambulances; driving over fire hose or blocking fire-fighting**

1 equipment; parking, etc., near law enforcement, fire department, or
 2 rescue squad vehicle or ambulance.

3 ...

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

9 (1) Move the vehicle into a lane that is not the lane nearest the parked or
 10 standing authorized emergency vehicle or public service vehicle and
 11 continue traveling in that lane until safely clear of the authorized
 12 emergency vehicle. This paragraph applies only if the roadway has at
 13 least two lanes for traffic proceeding in the direction of the
 14 approaching vehicle and if the approaching vehicle may change lanes
 15 safely and without interfering with any vehicular traffic.

16 (2) Slow the vehicle, maintaining a safe speed for traffic conditions, and
 17 operate the vehicle at a reduced speed and be prepared to stop until
 18 completely past the authorized emergency vehicle or public service
 19 vehicle. This paragraph applies only if the roadway has only one lane
 20 for traffic proceeding in the direction of the approaching vehicle or if
 21 the approaching vehicle may not change lanes safely and without
 22 interfering with any vehicular traffic.

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

28"

29 **SECTION 3.** G.S. 20-158(b) reads as rewritten:

30 **"§ 20-158. Vehicle control signs and signals.**

31 ...

32 (b) Control of Vehicles at Intersections. –

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

39 (2) a. When a ~~steady beam~~-traffic signal is emitting a steady red
 40 circular light controlling traffic approaching an intersection, an
 41 approaching vehicle facing the red light shall come to a stop
 42 and shall not enter the intersection. After coming to a complete
 43 stop and unless prohibited by an appropriate sign, that
 44 approaching vehicle may make a right turn.

- 1 b. Any vehicle that turns right under this subdivision shall yield
2 the right-of-way to:
- 3 1. Other traffic and pedestrians using the intersection; and
4 2. Pedestrians who are moving towards the intersection,
5 who are in reasonably close proximity to the intersection,
6 and who are preparing to cross in front of the traffic that
7 is required to stop at the red light.
- 8 c. Failure to yield to a pedestrian under this subdivision shall be
9 an infraction, and the court may assess a penalty of not more
10 than five hundred dollars (\$500.00) and not less than one
11 hundred dollars (\$100.00).
- 12 d. The Department of Transportation shall collect data regarding
13 the number of individuals who are found responsible for
14 violations of sub-subdivision b. of this subdivision and the
15 number of pedestrians who are involved in accidents at
16 intersections because of a driver's failure to yield the
17 right-of-way while turning right at a red light. The data shall
18 include information regarding the number of disabled
19 pedestrians, including individuals with visual or
20 mobility-related disabilities, who are involved in right turn on
21 red accidents. The Department shall report the data annually to
22 the Joint Legislative Transportation Oversight Committee
23 beginning January 1, 2006.
- 24 (2a) When a traffic signal is emitting a steady yellow circular light on a
25 traffic signal controlling traffic approaching an intersection or a steady
26 yellow arrow light on a traffic signal controlling traffic turning at an
27 intersection, vehicles facing the yellow light are warned that the
28 related green light is being terminated or a red light will be
29 immediately forthcoming. When the traffic signal is emitting a steady
30 green light, vehicles may proceed with due care through the
31 intersection subject to the rights of pedestrians and other vehicles as
32 may otherwise be provided by law.
- 33 (3) When a flashing red light has been erected or installed at an
34 intersection, approaching vehicles facing the red light shall stop and
35 yield the right-of-way to vehicles in or approaching the intersection.
36 The right to proceed shall be subject to the rules applicable to making
37 a stop at a stop sign.
- 38 (4) When a flashing yellow light has been erected or installed at an
39 intersection, approaching vehicles facing the yellow flashing light may
40 proceed through the intersection with caution, yielding the
41 right-of-way to vehicles in or approaching the intersection.
- 42 (5) When a stop sign, ~~stoplight~~ traffic signal, flashing light, or other
43 traffic-control device authorized by subsection (a) of this section
44 requires a vehicle to stop at an intersection, the driver shall stop (i) at

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

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

12 **SECTION 4.** G.S. 20-158(c) reads as rewritten:

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

14 ...

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

- 16 (1) When a stop sign has been erected or installed at a place other than an
 17 intersection, it shall be unlawful for the driver of any vehicle to fail to
 18 stop in obedience thereto and yield the right-of-way to pedestrians and
 19 other vehicles.
- 20 (2) When a ~~stoplight~~traffic signal has been erected or installed at a place
 21 other than an intersection, and is emitting a steady red light, vehicles
 22 facing the red light shall come to a complete stop. When the
 23 ~~stoplight~~traffic signal is emitting a steady yellow light, vehicles facing
 24 the light shall be warned that a red light will be immediately
 25 forthcoming and that vehicles may not proceed through such a red
 26 light. When the ~~stoplight~~traffic signal is emitting a steady green light,
 27 vehicles may proceed subject to the rights of pedestrians and other
 28 vehicles as may otherwise be provided by law.
- 29 (3) When a flashing red light has been erected or installed at a place other
 30 than an intersection, approaching vehicles facing the light shall stop
 31 and yield the right-of-way to pedestrians or other vehicles.
- 32 (4) When a flashing yellow light has been erected or installed at a place
 33 other than an intersection, approaching vehicles facing the light may
 34 proceed with caution, yielding the right-of-way to pedestrians and
 35 other vehicles.
- 36 (5) When a ~~stoplight~~traffic signal, stop sign, or other ~~signaling~~traffic
 37 control device authorized by subsection (a) requires a vehicle to stop at
 38 a place other than an intersection, the driver shall stop at an
 39 appropriately marked stop line, or if none, before entering a marked
 40 crosswalk, or if none, before proceeding past the ~~signaling~~traffic
 41 control device.

42"

43 **SECTION 5.** G.S. 20-161(e) reads as rewritten:

1 **"§ 20-161. Stopping on highway prohibited; warning signals; removal of vehicles**
2 **from public highway.**

3 ...

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

10"

11 **SECTION 6.** G.S. 20-161(f) reads as rewritten:

12 **"§ 20-161. Stopping on highway prohibited; warning signals; removal of vehicles**
13 **from public highway.**

14 ...

15 (f) Any investigating law enforcement officer, with the concurrence of the
16 Department of Transportation, may immediately remove or cause to be removed from a
17 ~~controlled access highway~~ the State highway system any wrecked, abandoned, disabled,
18 unattended, burned, or partially dismantled vehicle, cargo, or other personal property
19 interfering with the regular flow of traffic or which otherwise constitutes a hazard. In
20 the event of a motor vehicle crash involving serious personal injury or death, no
21 removal shall occur until the investigating law enforcement officer determines that
22 adequate information has been obtained for preparation of a crash report. No state or
23 local law enforcement officer, Department of Transportation employee, or person or
24 firm contracting or assisting in the removal or disposition of any such vehicle, cargo, or
25 other personal property shall be held criminally or civilly liable for any damage or
26 economic injury related to carrying out or enforcing the provisions of this section.

27"

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