

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

H

2

HOUSE BILL 1312
Committee Substitute Favorable 5/11/09

Short Title: Omnibus Highway/MV Statute Changes.

(Public)

Sponsors:

Referred to:

April 9, 2009

A BILL TO BE ENTITLED

1 AN ACT TO CLARIFY THE APPLICABILITY OF THE LAW REQUIRING DRIVERS TO
2 PULL OVER AND STOP WHEN APPROACHED BY A FIRE OR RESCUE VEHICLE,
3 TO CLARIFY THAT PUBLIC SERVICE VEHICLES ARE COVERED UNDER THE
4 MOVE OVER LAW, TO MODIFY THE CURRENT PROHIBITION ON PARKING ON
5 HIGHWAYS OR HIGHWAY SHOULDERS, TO CHANGE THE TIME PERIOD IN
6 WHICH THE DIVISION OF MOTOR VEHICLES MUST HOLD AN
7 ADMINISTRATIVE HEARING FOR A VIOLATION OF THE MOTOR VEHICLE
8 INSPECTION PROGRAM STATUTES BY AN EMISSIONS INSPECTION STATION
9 LICENSE HOLDER, TO CLARIFY RESTRICTIONS ON OPERATING A SCHOOL
10 BUS OR ACTIVITY BUS WHILE OCCUPIED BY A CHILD OR CHILDREN, TO
11 EXEMPT DISTRIBUTIONS OF PROCEEDS DERIVED FROM GARVEE BONDS
12 FROM THE STATE EQUITY DISTRIBUTION FORMULA FOR TRANSPORTATION
13 FUNDS, AND TO SPECIFY THAT THE YELLOW LIGHT DURATION INTERVAL
14 FOR A TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM BE SPECIFIED IN A
15 TRAFFIC SIGNAL PLAN SIGNED AND SEALED BY A PROFESSIONAL
16 ENGINEER.
17

18 The General Assembly of North Carolina enacts:

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

20 "(a) Upon the approach of any law enforcement or fire department vehicle or public or
21 private ambulance or rescue squad emergency service vehicle giving warning signal by
22 appropriate light and by audible bell, siren or exhaust whistle, audible under normal conditions
23 from a distance not less than 1000 feet, the driver of every other vehicle shall immediately
24 drive the same to a position as near as possible and parallel to the right-hand edge or curb, clear
25 of any intersection of streets or highways, and shall stop and remain in such position unless
26 otherwise directed by a law enforcement or traffic officer until law enforcement or fire
27 department vehicle or public or private ambulance or rescue squad emergency service vehicle
28 shall have passed. Provided, however, this subsection shall not apply to vehicles traveling in
29 the opposite direction of the vehicles herein enumerated when traveling on a ~~four-lane limited~~
30 ~~access~~-highway with a median divider dividing the highway for vehicles traveling in opposite
31 directions, and provided further that the violation of this subsection shall be negligence per se.
32 Violation of this subsection is a Class 2 misdemeanor."

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

34 "(f) When an authorized emergency vehicle as described in subsection (a) of this section
35 or any public service vehicle is parked or standing within 12 feet of a roadway and is giving a
36 warning signal by appropriate light, the driver of every other approaching vehicle shall, as soon



1 as it is safe and when not otherwise directed by an individual lawfully directing traffic, do one
2 of the following:

- 3 (1) Move the vehicle into a lane that is not the lane nearest the parked or
4 standing authorized emergency vehicle or public service vehicle and
5 continue traveling in that lane until safely clear of the authorized emergency
6 ~~vehicle-vehicle or public service vehicle.~~ This paragraph applies only if the
7 roadway has at least two lanes for traffic proceeding in the direction of the
8 approaching vehicle and if the approaching vehicle may change lanes safely
9 and without interfering with any vehicular traffic.
- 10 (2) Slow the vehicle, maintaining a safe speed for traffic conditions, and operate
11 the vehicle at a reduced speed and be prepared to stop until completely past
12 the authorized emergency vehicle or public service vehicle. This paragraph
13 applies only if the roadway has only one lane for traffic proceeding in the
14 direction of the approaching vehicle or if the approaching vehicle may not
15 change lanes safely and without interfering with any vehicular traffic.

16 For purposes of this section, "public service vehicle" means a vehicle that is being used to assist
17 motorists or law enforcement officers with wrecked or disabled vehicles, and is operating an
18 amber-colored flashing light authorized by G.S. 20-130.2. Violation of this subsection shall be
19 negligence per se."

20 **SECTION 3.** G.S. 20-161(a) reads as rewritten:

21 "(a) No person shall park or leave standing any vehicle, whether attended or unattended,
22 upon the paved or main-traveled portion of any highway or highway bridge ~~outside municipal~~
23 ~~corporate limits~~ on the State highway system unless the vehicle is disabled to such an extent that
24 it is impossible to avoid stopping and temporarily leaving the vehicle upon the paved or main
25 traveled portion of the highway or highway bridge."

26 **SECTION 4.** G.S. 20-161(b) reads as rewritten:

27 "(b) No person shall park or leave standing any vehicle upon the shoulder of a public
28 highway ~~outside municipal corporate limits~~ on the State highway system unless the vehicle can
29 be clearly seen by approaching drivers from a distance of 200 feet in both directions and does
30 not obstruct the normal movement of traffic."

31 **SECTION 5.** G.S. 20-183.8G(b) reads as rewritten:

32 "(b) Hearing After Statement of Charges. – When a license holder receives a statement
33 of charges of a violation that could result in the suspension or revocation of the person's
34 license, the person can obtain a hearing by making a request for a hearing. The person must
35 make the request to the Division within 10 days after receiving the statement of the charges. A
36 person who does not request a hearing within this time limit waives the right to a hearing.

37 The Division must hold a hearing requested under this subsection within ~~three business~~
38 15 business days after receiving the ~~request unless the person requesting the hearing asks for~~
39 ~~additional time to prepare for the hearing request.~~ A person may ask for no more than seven
40 additional business days to prepare. ~~If the additional time requested is within this limit, the~~
41 ~~Division must grant a person the additional time requested.~~ The hearing must be held at the
42 location designated by the Division. Suspension or revocation of the license is stayed until a
43 decision is made following the hearing.

44 If a person does not request a hearing within the time allowed for making the request, the
45 proposed suspension or revocation becomes effective the day after the time for making the
46 request ends. If a person requests a hearing but does not attend the hearing, the proposed
47 suspension or revocation becomes effective the day after the date set for the hearing."

48 **SECTION 6.** G.S. 20-218 reads as rewritten:

49 **"§ 20-218. Standard qualifications for school bus drivers; speed limit for school buses and**
50 **school activity buses.**

1 (a) Qualifications. – No person shall drive a school bus over the highways or public
2 vehicular areas of North Carolina while it is occupied by ~~children~~ one or more child passengers
3 unless the person furnishes to the superintendent of the schools of the county in which the bus
4 shall be operated a certificate from any representative duly designated by the Commissioner
5 and from the Director of Transportation or a designee of the Director in charge of school buses
6 in the county showing that the person has been examined by them and is fit and competent to
7 drive a school bus over the highways and public vehicular areas of the State. The driver of a
8 school bus must be at least 18 years of age and hold a Class A, B, or C commercial drivers
9 license and a school bus driver's certificate. The driver of a school activity bus must meet the
10 same qualifications as a school bus driver or must have a license appropriate for the class of
11 vehicle being driven.

12 (b) Speed Limits. – It is unlawful to drive a school bus ~~loaded with children~~ occupied
13 by one or more child passengers over the highways or public vehicular areas of the State at a
14 greater rate of speed than 45 miles per hour. It is unlawful to drive a school activity bus ~~loaded~~
15 ~~with children~~ loaded with one or more child passengers over the highways or public vehicular
16 areas of North Carolina at a greater rate of speed than 55 miles per hour.

17 (c) Punishment. – A person who violates this section commits a Class 3 misdemeanor."

18 **SECTION 7.** G.S. 136-17.2A(i) is repealed.

19 **SECTION 8.** G.S. 160A-300.1(c1) reads as rewritten:

20 "(c1) The duration of the yellow light change interval at intersections where traffic control
21 photographic systems are in use shall be no less than the yellow light change interval duration
22 specified ~~in the Design Manual developed by the Signals and Geometries Section of the North~~
23 ~~Carolina Department of Transportation~~ on the traffic signal plan of record signed and sealed by
24 a professional engineer, licensed in accordance with the provisions of Chapter 89C of the
25 General Statutes, and shall comply with the provisions of the Manual on Uniform Traffic
26 Control Devices."

27 **SECTION 9.** G.S. 160A-300.2(e), as enacted by Section 3 of S.L. 2001-286, reads
28 as rewritten:

29 "(e) The duration of the yellow light change interval at intersections where traffic control
30 photographic systems are in use shall be no less than the yellow light change interval duration
31 specified ~~in the Design Manual developed by the Signals and Geometries Section of the North~~
32 ~~Carolina Department of Transportation~~ on the traffic signal plan of record signed and sealed by
33 a professional engineer, licensed in accordance with the provisions of Chapter 89C of the
34 General Statutes, and shall comply with the provisions of the Manual on Uniform Traffic
35 Control Devices."

36 **SECTION 10.** G.S. 160A-300.3(e), as enacted by Section 4 of S.L. 2001-286,
37 reads as rewritten:

38 "(e) The duration of the yellow light change interval at intersections where traffic control
39 photographic systems are in use shall be no less than the yellow light change interval duration
40 specified ~~in the Design Manual developed by the Signals and Geometries Section of the North~~
41 ~~Carolina Department of Transportation~~ on the traffic signal plan of record signed and sealed by
42 a professional engineer, licensed in accordance with the provisions of Chapter 89C of the
43 General Statutes, and shall comply with the provisions of the Manual on Uniform Traffic
44 Control Devices."

45 **SECTION 11.** G.S. 160A-303(b1)(4) reads as rewritten:

46 "(4) Is left on any public street or highway for longer than seven ~~days~~ days or is
47 determined by law enforcement to be a hazard to the motoring public."

48 **SECTION 12.** Sections 1, 2, 3, 4, and 6 of this act become effective December 1,
49 2009, and apply to offenses committed on or after that date. The remainder of this act is
50 effective when it becomes law.