

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 38*

Agriculture/Environment/Natural Resources Committee Substitute Adopted 3/12/13

Short Title: Various Emergency Management Changes.

(Public)

Sponsors:

Referred to:

February 4, 2013

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE EMERGENCY MANAGEMENT LAWS OF THIS STATE, AS RECOMMENDED BY THE JOINT LEGISLATIVE EMERGENCY MANAGEMENT OVERSIGHT COMMITTEE.

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

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



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

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

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

14 **"§ 20-130.1. Use of red or blue lights on vehicles prohibited; exceptions.**

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

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

24 (1) A police ~~car~~vehicle.

25 (2) A highway patrol ~~car~~vehicle.

26 (3) A vehicle owned by the Wildlife Resources Commission and operated
27 exclusively for ~~law enforcement purposes~~law enforcement, firefighting, or
28 other emergency response purposes.

29 (4) An ~~ambulance~~ambulance.

30 (5) A vehicle used by an organ procurement organization or agency for the
31 recovery and transportation of blood, human tissues, or organs for
32 ~~transplantation~~transplantation.

33 (6) A fire-fighting ~~vehicle~~vehicle.

34 (7) A school ~~bus~~bus.

35 (8) A vehicle operated by any member of a municipal or rural fire department in
36 the performance of his duties, regardless of whether members of that fire
37 department are paid or ~~voluntary~~voluntary.

38 (9) A vehicle of a voluntary lifesaving organization (including the private
39 vehicles of the members of such an organization) that has been officially
40 approved by the local police authorities and which is manned or operated by
41 members of that organization while answering an official ~~call~~call.

42 (10) A vehicle operated by medical doctors or anesthetists in
43 ~~emergencies~~emergencies.

44 (11) A motor vehicle used in law enforcement by the sheriff, or any salaried rural
45 policeman in any county, regardless of whether or not the county owns the
46 ~~vehicle~~vehicle.

47 (11a) A vehicle operated by the State Fire Marshal or his representatives in the
48 performance of their duties, whether or not the State owns the
49 ~~vehiele~~vehicle.

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

25"

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

27 **"§ 20-145. When speed limit not applicable.**

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

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

44 "(b) The driver of a vehicle upon the highway shall yield the right-of-way to police and
 45 fire department vehicles and public and private ambulances, vehicles used by an organ
 46 procurement organization or agency for the recovery or transportation of human tissues and
 47 organs for transplantation or a vehicle operated by a transplant coordinator who is an employee
 48 of an organ procurement organization or agency when the transplant coordinator is responding
 49 to a call to recover or transport human tissues or organs for transplantation, and to rescue squad
 50 emergency service vehicles and vehicles operated by county fire marshals and civil
 51 preparedness ~~coordinators~~coordinators, and to a vehicle operated by the Division of Marine

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

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

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

43 **SECTION 2.** The Department of Public Safety shall study methods of allowing
44 prisoners to contribute to cleanup and mitigation efforts in connection with states of emergency
45 declared in this State. No later than October 1, 2013, the Department shall report its findings
46 and recommendations to the Joint Legislative Emergency Management Oversight Committee
47 and to the Joint Legislative Oversight Committee on Justice and Public Safety. The report shall
48 include at least the following:

- 49 (1) A list of the type and number of prisoners incarcerated by the Department of
50 Public Safety that might be available to respond to emergencies in this State.

- 1 (2) Options for methods of deploying prisoners to respond to and assist with
2 cleanup and mitigation efforts in connection with states of emergency based
3 on the type and location of an emergency.
4 (3) A statement of the resources that would be required to implement these
5 options and an estimate of the cost of each option.
6 (4) Identification of any legal, practical, or financial obstacles that would need
7 to be addressed before prisoners could be deployed in this manner.

8 **SECTION 3.** Section 1 of this act becomes effective October 1, 2013. The
9 remainder of this act is effective when it becomes law.