A BILL TO BE ENTITLED
AN ACT TO CLARIFY THE APPLICABILITY OF THE LAW REQUIRING DRIVERS TO
PULL OVER AND STOP WHEN APPROACHED BY A FIRE OR RESCUE VEHICLE,
TO PROVIDE THAT PUBLIC SERVICE VEHICLES AND RURAL LETTER CARRIER
VEHICLES ARE COVERED UNDER THE MOVE OVER LAW, TO MODIFY THE
CURRENT PROHIBITION ON PARKING ON HIGHWAYS OR HIGHWAY
SHOULders, TO CHANGE THE TIME PERIOD IN WHICH THE DIVISION OF
MOTOR VEHICLES MUST HOLD AN ADMINISTRATIVE HEARING FOR A
VIOLATION OF THE MOTOR VEHICLE INSPECTION PROGRAM STATUTES BY
AN EMISSIONS INSPECTION STATION LICENSE HOLDER, TO CLARIFY
RESTRICTIONS ON OPERATING A SCHOOL BUS OR ACTIVITY BUS WHILE
OCCUPIED BY A CHILD OR CHILDREN, TO EXEMPT FUNDS RECEIVED FROM
THE APPALACHIAN REGIONAL COMMISSION FOR THE APPALACHIAN
DEVELOPMENT HIGHWAY SYSTEM ROADS FROM THE STATE EQUITY
DISTRIBUTION FORMULA FOR TRANSPORTATION FUNDS, TO CLARIFY THAT
FUNDS USED IN REPAYMENT OF GARVee BONDS ARE SUBJECT TO THE
STATE EQUITY DISTRIBUTION FORMULA FOR TRANSPORTATION FUNDS, TO
REQUIRE THE DEPARTMENT OF TRANSPORTATION TO USE ALL FUNDS
RECEIVED FROM THE APPALACHIAN REGIONAL COMMISSION FOR THE
APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM TO COMPLETE
CONSTRUCTION OF THE APPALACHIAN DEVELOPMENT HIGHWAY SYSTEM
ROADS, AND TO SPECIFY THAT THE YELLOW LIGHT DURATION INTERVAL
FOR A TRAFFIC CONTROL PHOTOGRAPHIC SYSTEM BE SPECIFIED IN A
TRAFFIC SIGNAL PLAN SIGNED AND SEALED BY A PROFESSIONAL
ENGINEER.

The General Assembly of North Carolina enacts:

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

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

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

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

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

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

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

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

"(a) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled portion of any highway or highway bridge outside municipal corporate limits with the speed limit posted less than 45 miles per hour unless the vehicle is disabled to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle upon the paved or main traveled portion of the highway or highway bridge."

SECTION 4. G.S. 20-161 is amended by adding a new subsection to read:

"(a1) No person shall park or leave standing any vehicle, whether attended or unattended, upon the paved or main-traveled portion of any highway or highway bridge with the speed limit posted 45 miles per hour or greater unless the vehicle is disabled to such an extent that it is impossible to avoid stopping and temporarily leaving the vehicle upon the paved or main-traveled portion of the highway or highway bridge."

SECTION 5. G.S. 20-161(b) reads as rewritten:

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

SECTION 6. G.S. 20-183.8G(b) reads as rewritten:

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

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

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

SECTION 7. G.S. 20-218 reads as rewritten:


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

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

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

SECTION 8. G.S. 136-17.2A(a) reads as rewritten:

"(a) Funds expended for the Intrastate System projects listed in G.S. 136-179 and both State and federal-aid funds expended under the Transportation Improvement Program, other than federal congestion mitigation and air quality improvement program funds appropriated to the State by the United States pursuant to 23 U.S.C. § 104(b)(2) and 23 U.S.C. § 149, funds expended on an urban loop project listed in G.S. 136-180-G.S. 136-180, funds from the Appalachian Regional Commission for the Appalachian Development Highway System, and funds received through competitive awards or discretionary grants through federal appropriations either for local governments, transportation authorities, transit authorities, or the Department, shall be distributed throughout the State in accordance with this section.


(2) Distribution Region B consists of the following counties: Beaufort, Brunswick, Carteret, Craven, Duplin, Greene, Jones, Lenoir, New Hanover, Onslow, Pamlico, Pender, Pitt, and Sampson.
(3) Distribution Region C consists of the following counties: Bladen, Columbus, Cumberland, Durham, Franklin, Granville, Harnett, Person, Robeson, Vance, Wake, and Warren.

(4) Distribution Region D consists of the following counties: Alamance, Caswell, Davidson, Davie, Forsyth, Guilford, Orange, Rockingham, Rowan, and Stokes.

(5) Distribution Region E consists of the following counties: Anson, Cabarrus, Chatham, Hoke, Lee, Mecklenburg, Montgomery, Moore, Randolph, Richmond, Scotland, Stanly, and Union.

(6) Distribution Region F consists of the following counties: Alexander, Alleghany, Ashe, Avery, Caldwell, Catawba, Cleveland, Gaston, Iredell, Lincoln, Surry, Watauga, Wilkes, and Yadkin.

(7) Distribution Region G consists of the following counties: Buncombe, Burke, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Swain, Transylvania, and Yancey.

SECTION 9. G.S. 136-17.2A(i) reads as rewritten:

"(i) All funds derived from used in repayment of "GARVEE" bonds issued pursuant to G.S. 136-18(12b) shall be distributed in accordance with subject to the provisions of this section."

SECTION 10. Chapter 136 of the General Statutes is amended by adding a new section to read:

"§ 136-44.2D. Appalachian Development Highway System corridor funds.

The Department of Transportation shall use all funds received from the Appalachian Regional Commission for the Appalachian Development Highway System to complete construction of the Appalachian Development Highway System roads."

SECTION 11. G.S. 160A-300.1(c1) reads as rewritten:

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

SECTION 12. G.S. 160A-300.2(e), as enacted by Section 3 of S.L. 2001-286, reads as rewritten:

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

SECTION 13. G.S. 160A-300.3(e), as enacted by Section 4 of S.L. 2001-286, reads as rewritten:

"(e) The duration of the yellow light change interval at intersections where traffic control photographic systems are in use shall be no less than the yellow light change interval duration specified in the Design Manual developed by the Signals and Geometrics Section of the North Carolina Department of Transportation on the traffic signal plan of record signed and sealed by a professional engineer, licensed in accordance with the provisions of Chapter 89C of the General Statutes, and shall comply with the provisions of the Manual on Uniform Traffic Control Devices."
SECTION 14. G.S. 160A-303(b1)(4) reads as rewritten:

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

SECTION 15. Sections 1, 2, 3, 4, 5, and 7 of this act become effective December 1, 2009, and apply to offenses committed on or after that date. The remainder of this act is effective when it becomes law.