

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 268
PROPOSED COMMITTEE SUBSTITUTE H268-PCS20319-RW-14

Short Title: Amend Transportation Laws.-AB

(Public)

Sponsors:

Referred to:

March 18, 2015

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE TOLLING PROCEDURES OF THE TURNPIKE AUTHORITY
3 BY ALLOWING THE AUTHORITY TO SEND TOLL BILLS BY ELECTRONIC MAIL,
4 TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO GENERATE CERTAIN
5 RECEIPTS TO FUND RAIL PASSENGER SERVICE, TO PROVIDE AN EXEMPTION
6 FROM THE UMSTEAD ACT FOR SUCH ACTIVITIES, AND TO AMEND AND
7 CLARIFY THE STATUTES GOVERNING THE CLEARANCE OF WRECKED
8 VEHICLES AND OTHER TRAFFIC OBSTACLES FROM PUBLIC HIGHWAYS, AS
9 RECOMMENDED BY THE DEPARTMENT OF TRANSPORTATION.

10 The General Assembly of North Carolina enacts:

11
12 **TURNPIKE AUTHORITY ELECTRONIC BILLING**

13 **SECTION 1.** G.S. 136-89.214(a) reads as rewritten:

14 "(a) Bill. – If a motor vehicle travels on a Turnpike project that uses an open road tolling
15 system and a toll for traveling on the project is not paid prior to travel or at the time of travel,
16 the Authority must send a bill by first-class mail to the registered owner of the motor vehicle or
17 the person who had care, custody, and control of the vehicle as established under
18 G.S. 136-89.212(b) for the amount of the unpaid ~~toll~~ toll, provided, however, that with the
19 written consent of the registered owner of the motor vehicle or the person who had care,
20 custody, and control of the vehicle as set forth above, the Authority may send the bill via
21 electronic mail to a designated electronic mail account rather than by first-class mail. The
22 Authority must send the bill within 90 days after the travel occurs, or within 90 days of receipt
23 of a sworn affidavit submitted under G.S. 136-89.212(b) identifying the person who had care,
24 custody, and control of the motor vehicle. If a bill is not sent within the required time, the
25 Authority waives collection of the toll. The Authority must establish a billing period for unpaid
26 open road tolls that is no shorter than 15 days. A bill for a billing period must include all unpaid
27 tolls incurred by the same person during the billing period."

28
29 **PASSENGER RAIL RECEIPT-GENERATING ACTIVITIES**

30 **SECTION 2.1.** G.S. 136-18 is amended by adding a new subdivision to read:

31 "(44a) Where the Department owns or leases the passenger rail facility, owns the
32 rail equipment, or holds leasehold or license rights for the purpose of
33 operating passenger stations, the Department may operate or contract for the
34 following receipt-generating activities and use the proceeds to fund
35 passenger rail operations:



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- 1 a. Where the Department owns the passenger rail facility or owns or
2 leases the rail equipment, operation of concessions on State-funded
3 passenger trains and at passenger rail facilities to provide to
4 passengers food, drink, and other refreshments, personal comfort
5 items, Internet access, and souvenirs publicizing the passenger rail
6 system.
- 7 b. Where the Department holds leasehold or license rights for the
8 purpose of operating passenger stations, operation of concessions at
9 rail passenger facilities to provide food, drink, and other
10 refreshments, personal comfort items, Internet access, and souvenirs
11 publicizing the passenger rail system, in accordance with the terms of
12 the leasehold or license.
- 13 c. Advertising on or within the Department's passenger rail equipment
14 or facility, including display advertising and advertising delivered to
15 passengers through the use of video monitors, public address systems
16 installed in passenger areas, and other electronic media.
- 17 d. The sale of naming rights to Department-owned passenger rail
18 equipment or facilities."

19 **SECTION 2.2.** G.S. 66-58(c)(21) reads as rewritten:

20 "(21) Any activity conducted or contracted for by the Department of
21 Transportation that is authorized by G.S. 136-18(44a) or G.S. 136-82(f)."
22

23 **AMEND HIGHWAY OBSTRUCTION QUICK CLEARANCE REQUIREMENTS**

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

25 "(f) ~~Any~~An investigating law enforcement officer, with the concurrence of the
26 Department of Transportation, ~~or the Department of Transportation, with the concurrence of the~~
27 investigating law enforcement officer, may immediately remove or cause to be removed from
28 the State highway system any wrecked, abandoned, disabled, unattended, burned, or partially
29 dismantled vehicle, cargo, or other personal property interfering with the regular flow of traffic
30 or which otherwise constitutes a hazard. In the event of a motor vehicle crash involving serious
31 personal injury or death, no removal shall occur until the investigating law enforcement officer
32 determines that adequate information has been obtained for preparation of a crash report. No
33 state or local law enforcement officer, Department of Transportation employee, or person or
34 firm contracting or assisting in the removal or disposition of any such vehicle, cargo, or other
35 personal property shall be held criminally or civilly liable for any damage or economic injury
36 related to carrying out or enforcing the provisions of this section."
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38 **EFFECTIVE DATE**

39 **SECTION 4.** Section 3 of this act is effective when it becomes law and applies to
40 any obstructions to traffic arising on or after 12:01 A.M. of the day following that date. The
41 remainder of this act is effective when it becomes law.