

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

H

D

HOUSE BILL 102  
Committee Substitute Favorable 3/10/15  
Third Edition Engrossed 3/16/15  
PROPOSED SENATE COMMITTEE SUBSTITUTE H102-PCS10379-RW-25

Short Title: Utility Vehicles/Move-Over Changes.

(Public)

Sponsors:

Referred to:

February 27, 2015

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE LAW ENFORCEMENT OFFICERS, EMERGENCY PERSONNEL, AND MUNICIPAL AND COUNTY EMPLOYEES TO OPERATE UTILITY VEHICLES ON SOME PUBLIC HIGHWAYS AND TO MODIFY THE MOVE-OVER LAW TO INCLUDE VEHICLES BEING USED IN THE COLLECTION OF REFUSE, SOLID WASTE, OR RECYCLING.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-171.23 reads as rewritten:

"§ 20-171.23. **Motorized ~~all-terrain~~ all terrain vehicles of law enforcement officers and fire, rescue, and emergency medical services permitted on certain highways.**

(a) Law enforcement officers acting in the course and scope of their duties may operate motorized ~~all-terrain vehicles, as defined in G.S. 14-159.3(b)~~ and all terrain vehicles owned or leased by the agency, or under the direct control of the incident commander, on: (i) public highways where the speed limit is 35 miles per hour or less; and (ii) nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less.

(b) Fire, rescue, and emergency medical services personnel acting in the course and scope of their duties may operate motorized ~~all-terrain vehicles, as defined in G.S. 14-159.3(b)~~ all terrain vehicles and owned or leased by fire, rescue, or emergency medical services departments, or under the direct control of the incident commander, on: (i) public highways where the speed limit is 35 miles per hour or less; and (ii) nonfully controlled access highways with higher speeds for the purpose of traveling from a speed zone to an adjacent speed zone where the speed limit is 35 miles per hour or less.

(c) This Part and all other State laws governing the operation of ~~all-terrain~~ all terrain vehicles apply to the operation of ~~all-terrain~~ all terrain vehicles authorized by this section.

(d) An ~~all-terrain~~ all terrain vehicle operated pursuant to this section shall be equipped with operable front and rear lights and a horn.

(e) A person operating an ~~all-terrain~~ all terrain vehicle pursuant to this section shall observe posted speed limits and shall not exceed the manufacturer's recommended speed for the vehicle.

(f) A person operating an ~~all-terrain~~ all terrain vehicle pursuant to this section shall carry an official identification card or badge.



\* H 1 0 2 - P C S 1 0 3 7 9 - R W - 2 5 \*

1 (g) For purposes of this section, the term "motorized all terrain vehicle" has the same  
2 meaning as in G.S. 14-159.3, except that the term also includes utility vehicles, as defined in  
3 this Chapter."

4 **SECTION 2.** G.S. 20-171.24 reads as rewritten:

5 "**§ 20-171.24. Motorized ~~all-terrain~~ all terrain vehicle use by employees of listed**  
6 **municipalities and counties permitted on certain highways.**

7 (a) Municipal and county employees may operate motorized ~~all-terrain vehicles, as~~  
8 ~~defined in G.S. 14-159.3(b) and~~ all terrain vehicles owned or leased by the ~~agency,~~ agency on:  
9 (i) public highways where the speed limit is 35 miles per hour or less; and (ii) nonfully  
10 controlled access highways with higher speeds for the purpose of traveling from a speed zone  
11 to an adjacent speed zone where the speed limit is 35 miles per hour or less.

12 (b) This Part and all other State laws governing the operation of ~~all-terrain~~ all terrain  
13 vehicles apply to the operation of ~~all-terrain~~ all terrain vehicles authorized by this section.

14 (c) An ~~all-terrain~~ all terrain vehicle operated pursuant to this section shall be equipped  
15 with operable front and rear lights and a horn.

16 (d) A person operating an ~~all-terrain~~ all terrain vehicle pursuant to this section shall  
17 observe posted speed limits and shall not exceed the manufacturer's recommended speed for the  
18 vehicle.

19 (e) A person operating an ~~all-terrain~~ all terrain vehicle pursuant to this section shall  
20 carry an official identification card or badge.

21 (f) ~~This section applies to the Towns of Ansonville, Atlantic Beach, Burgaw, Carolina~~  
22 ~~Beach, Cramerton, Dallas, Davidson, Duck, Emerald Isle, Franklin, Indian Beach, Kill Devil~~  
23 ~~Hills, Kitty Hawk, Kure Beach, Lowell, Manteo, Murphy, Nags Head, North Topsail Beach,~~  
24 ~~Oakboro, Ocean Isle Beach, Pine Knoll Shores, Stanley, Surf City, Sylva, Topsail Beach,~~  
25 ~~Williamston, Wrightsville Beach, and Yanceyville, the Cities of Albemarle, Belmont,~~  
26 ~~Cherryville, Gastonia, Hamlet, Kings Mountain, Mount Holly, and Rockingham and the~~  
27 ~~Counties of Cleveland, Currituck, Gaston, Surry, and Wilkes only.~~

28 (e1) For purposes of this section, the term "motorized all terrain vehicle" has the same  
29 meaning as in G.S. 14-159.3, except that the term also includes utility vehicles, as defined in  
30 this Chapter."

31 **SECTION 3.** G.S. 20-157(f) reads as rewritten:

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

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

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

50 For purposes of this section, "public service vehicle" means a vehicle that (i) is being used to  
51 assist motorists or law enforcement officers with wrecked or disabled vehicles, ~~or~~ (ii) is a

1 ~~vehicle~~ being used to install, maintain, or restore utility service, including electric, cable,  
2 telephone, communications, and gas, (iii) is being used in the collection of refuse, solid waste,  
3 or recycling, or (iv) is a highway maintenance vehicle owned and operated by or contracted by  
4 the State or a local ~~government,~~government and is operating an amber-colored flashing light  
5 authorized by G.S. 20-130.2. Violation of this subsection shall be negligence per se."

6 **SECTION 4.** Sections 1, 2, and 4 of this act are effective when they become law.  
7 Section 3 of this act becomes effective October 1, 2015, and applies to offenses committed on  
8 or after that date.