

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 268  
Committee Substitute Favorable 4/21/15  
PROPOSED SENATE COMMITTEE SUBSTITUTE H268-PCS20377-RW-35

Short Title: Amend Transportation Laws.-AB

(Public)

Sponsors:

Referred to:

March 18, 2015

A BILL TO BE ENTITLED

AN ACT TO AMEND AND CLARIFY THE STATUTES GOVERNING THE CLEARANCE OF WRECKED VEHICLES AND OTHER TRAFFIC OBSTACLES FROM PUBLIC HIGHWAYS; TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT OF AIR SPACE ABOVE STATE ROAD 1347, NEVADA BOULEVARD, IN THE CITY OF CHARLOTTE, FOR THE CONSTRUCTION OF A MATERIAL CONVEYANCE SYSTEM; AND TO EXTEND TO DECEMBER 31, 2015, THE EXPIRATION DATE FOR A NATIVE BROOK TROUT SPECIAL LICENSE PLATE.

The General Assembly of North Carolina enacts:

**AMEND HIGHWAY OBSTRUCTION QUICK CLEARANCE REQUIREMENTS**

**SECTION 1.** G.S. 20-161(f) reads as rewritten:

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

**AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO PERMIT ENCROACHMENT OF AIR SPACE ABOVE STATE ROAD 1347**

**SECTION 2.** The Department of Transportation is hereby authorized to permit private use and encroachment upon the air space above State Road 1347, Nevada Boulevard, in the City of Charlotte, for the purpose of construction of a material conveyance system, provided, in the opinion of the Department of Transportation, the material conveyance system will not unreasonably interfere with or impair the property rights or easements of abutting owners nor unreasonably interfere with or obstruct the public use of Nevada Boulevard. This encroachment shall be subject to all other rules, regulations, and conditions of the Department



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1 of Transportation for encroachments. The location, plans, and specifications for the material  
2 conveyance system shall be approved by the Department.  
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4 **EXTEND TO DECEMBER 31, 2015, THE EXPIRATION DATE FOR A NATIVE**  
5 **BROOK TROUT SPECIAL LICENSE PLATE**

6 **SECTION 3.** G.S. 20-79.8(a) reads as rewritten:

7 "(a) Expiration of Plates Authorized Prior to October 1, 2014. – A special registration  
8 plate authorized after July 1, 2011, and before October 1, 2014, pursuant to G.S. 20-79.4 shall  
9 expire, as a matter of law, on July 1 of the second calendar year following the year in which the  
10 special plate was authorized if the number of required applications for the authorized special  
11 plate has not been received by the Division. The Division shall not accept applications for nor  
12 advertise any special registration plate that has expired pursuant to this section.  
13 Notwithstanding the provisions of this subsection, the Native Brook Trout plate authorized by  
14 G.S. 20-79.4(b)(139) shall expire, as a matter of law, on December 31 of the second calendar  
15 year following the year in which the special plate was authorized if the number of required  
16 applications for the authorized special plate has not been received by the Division."  
17

18 **EFFECTIVE DATE**

19 **SECTION 4.** Section 1 of this act is effective when it becomes law and applies to  
20 any obstructions to traffic arising on or after 12:01 A.M. of the day following that date. The  
21 remainder of this act is effective when it becomes law.