

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 285
PROPOSED COMMITTEE SUBSTITUTE H285-PCS10208-BW-2

Short Title: ENS Railroad Train/Driver Ed Curriculum.

(Public)

Sponsors:

Referred to:

March 15, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE DRIVER INSTRUCTION ON THE EMERGENCY NOTIFICATION
3 SYSTEMS FOR RAILROAD TRAIN EMERGENCIES AND TO CREATE A CRIMINAL
4 OFFENSE FOR THE MISUSE OF THE EMERGENCY NOTIFICATION SYSTEMS.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 20-88.1(d) reads as rewritten:

7 "(d) The Division shall prepare a driver license handbook that explains the traffic laws of
8 the State and shall periodically revise the handbook to reflect changes in these laws. ~~The~~
9 ~~Division, in consultation with the State Highway Patrol, the North Carolina Sheriff's Association,~~
10 ~~and the North Carolina Association of Chiefs of Police, shall include in the driver license~~
11 ~~handbook a~~ The driver license handbook shall include at least the following information:

12 (1) A description of law enforcement procedures during traffic stops and the
13 actions that a motorist should take during a traffic stop, including appropriate
14 interactions with law enforcement officers—officers, developed by the
15 Division in consultation with the State Highway Patrol, the North Carolina
16 Sheriffs' Association, and the North Carolina Association of Chiefs of Police.

17 (2) A section on Emergency Notification Systems (ENS) for telephonic reporting
18 of unsafe conditions at highway-rail and pathway grade crossings. The section
19 shall alert the public that highway-rail and pathway grade crossings have
20 unique United States Department of Transportation National Crossing
21 Inventory numbers and a posted telephone number to contact the dispatching
22 railroad in accordance with 49 C.F.R. Part 234. The handbook shall advise the
23 public to call the telephone number if an emergency condition exists at the
24 highway-rail or pathway grade crossing, including the following:

- 25 a. If there is an unsafe condition at highway-rail and pathway grade
26 crossings.
27 b. If the highway-rail or pathway grade crossing is obstructed.
28 c. If the highway-rail or pathway grade crossing warning devices, if
29 present, are malfunctioning.
30 d. If the ENS sign is discovered to be missing, damaged, or in any other
31 way unusable.

32 At the request of the Department of Public Instruction, the Division shall provide free copies
33 of the handbook to that Department for use in the program of driver education offered at public
34 high schools."

35 **SECTION 2.** G.S. 115C-215(b) reads as rewritten:

36 "(b) The driver education curriculum shall include the following:



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- 1 (1) Instruction on the rights and privileges of the handicapped and the signs and
2 symbols used to assist the handicapped relative to motor vehicles, including
3 the "international symbol of accessibility" and other symbols and devices as
4 provided in Article 2A of Chapter 20 of the General Statutes.
- 5 (2) At least six hours of instruction on the offense of driving while impaired and
6 related subjects.
- 7 (3) At least six hours of actual driving experience. To the extent practicable, this
8 experience may include at least one hour of instruction on the techniques of
9 defensive driving.
- 10 (4) At least one hour of motorcycle safety awareness training.
- 11 (5) Instruction on law enforcement procedures for traffic stops that is developed
12 in consultation with the State Highway Patrol, the North Carolina Sheriff's
13 Association, and the North Carolina Association of Chiefs of Police. The
14 instruction shall provide a description of the actions that a motorist should
15 take during a traffic stop, including appropriate interactions with law
16 enforcement officers.
- 17 (6) Instruction on the Emergency Notification Systems (ENS) for telephonic
18 reporting of unsafe conditions at highway-rail and pathway grade crossings.
19 Instruction shall include that highway-rail and pathway grade crossings have
20 unique United States Department of Transportation National Crossing
21 Inventory numbers and a posted telephone number to contact the dispatching
22 railroad in accordance with 49 C.F.R. Part 234. Instruction shall also include
23 information on when to call the telephone number if an emergency condition
24 exists at the highway-rail or pathway grade crossing, including the following:
- 25 a. If there is an unsafe condition at highway-rail and pathway grade
26 crossings.
- 27 b. If the highway-rail or pathway grade crossing is obstructed.
- 28 c. If the highway-rail or pathway grade crossing warning devices, if
29 present, are malfunctioning.
- 30 d. If the ENS sign is discovered to be missing, damaged, or in any other
31 way unusable."

32 **SECTION 3.** Article 19 of Chapter 14 of the General Statutes is amended by adding
33 a new section to read:

34 **"§ 14-111.5. Misuse of the Emergency Notification Systems (ENS) for telephonic reporting**
35 **of unsafe conditions at highway-rail and pathway grade crossings.**

36 It is unlawful for an individual who is not reporting unsafe conditions at highway-rail or
37 pathway grade crossings, is not providing ENS services, or is not responding to reports made
38 through ENS, as defined at 49 C.F.R. § 234.301, to call, attempt to call, access, or attempt to
39 access ENS for purposes other than emergency communications. A person who knowingly
40 violates this section commits a Class 1 misdemeanor."

41 **SECTION 4.** Section 1 of this act becomes effective January 1, 2022. Section 3 of
42 this act becomes effective December 1, 2021, and applies to offenses committed on or after that
43 date. The remainder of this act is effective when it becomes law and applies beginning with the
44 2021-2022 school year.