

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

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HOUSE BILL 349
PROPOSED COMMITTEE SUBSTITUTE H349-PCS40447-TC-29

Short Title: Traffic-Control Training Program.

(Public)

Sponsors:

Referred to:

March 23, 2021

1 A BILL TO BE ENTITLED
2 AN ACT TO INCREASE THE ALLOWABLE VALIDITY PERIOD FOR TRAFFIC
3 CONTROL OFFICER APPOINTMENTS AND TO REQUIRE THE NORTH CAROLINA
4 COMMUNITY COLLEGE SYSTEM TO OFFER A TRAFFIC-CONTROL TRAINING
5 COURSE FOR THOSE THAT WOULD BE APPOINTED AS A TRAFFIC-CONTROL
6 OFFICER.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 20-114.1 reads as rewritten:

9 **"§ 20-114.1. Willful failure to obey law-enforcement or traffic-control officer; firemen as**
10 **traffic-control officers; appointment, etc., of traffic-control officers.**

11 ...

12 (c) The chief of police of a local or county police department or the sheriff of any county
13 is authorized to appoint a person who is at least 18 years of age and who satisfies either of the
14 training requirements listed in this subsection as a traffic-control officers, who shall have attained
15 the age of 18 years and who are hereby officer. A person appointed as a traffic-control officer is
16 authorized to direct, control, or regulate traffic within their—the respective jurisdictions
17 jurisdiction at times and places specifically designated in writing by the police chief or the sheriff.
18 A traffic-control officer, when exercising this authority, must be attired in a distinguishing
19 uniform or jacket indicating that he—the person is a traffic-control officer and must possess a valid
20 authorization card issued by the appointing police chief or sheriff who appointed him—sheriff.
21 Unless an earlier expiration date is specified, an authorization card shall expire two—three years
22 from the date of its issuance. In order to be appointed as a traffic-control officer, a person shall
23 have received at least three hours of training in directing, controlling, or regulating traffic under
24 the supervision of a law-enforcement officer—issuance, and the expiration date shall appear on
25 the authorization card. A traffic-control officer shall be—is subject to the rules and regulations of
26 the respective local or county police department or sheriff's office as well as the lawful command
27 of any other law-enforcement officer. The appointing police chief or sheriff shall have—has the
28 right to revoke the appointment of any traffic-control officer at any time with or without cause.
29 The appointing police chief or sheriff shall not be held liable for any act or omission of a
30 traffic-control officer. A traffic-control officer shall not be deemed to be an agent or employee
31 of the respective local or county police department or of the sheriff's office, nor shall he—the
32 traffic-control officer be considered a law-enforcement officer except as provided herein. A
33 traffic-control officer shall not have nor—and shall he—not exercise the power of arrest. In order to
34 be appointed under this subsection, a person must have completed either of the following:

35 (1) At least three hours of training in directing, controlling, or regulating traffic
36 under the supervision of a law-enforcement officer.



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1 (2) Eight hours of approved training through a course offered by the North
2 Carolina Community College System in directing, controlling, or regulating
3 traffic. Four hours must be classroom training or instruction, and four hours
4 must be documented roadside training. A person who completed the training
5 course under this subdivision must take a refresher course in order to be
6 reappointed upon expiration of the person's initial appointment.

7 (c1) The North Carolina Community College System, in consultation with the North
8 Carolina Justice Academy of the North Carolina Department of Justice, shall develop a training
9 program for traffic-control officers to be offered by the North Carolina Community College
10 System. The program shall include requirements for initial training and a refresher course. A
11 community college may charge a fee for the training and refresher courses. Upon completion of
12 the initial training and refresher courses, the community college shall provide the person with
13 documentation verifying completion of the course.

14 (d) No police chief or sheriff who is authorized to appoint traffic-control officers under
15 subsection (c) of this section shall appoint any person to direct, control, or regulate traffic unless
16 there is indemnity against liability of the traffic-control officer for wrongful death, bodily injury,
17 or property damage that is proximately caused by the negligence of the traffic-control officer
18 while acting within the scope of his duties as a traffic-control officer. ~~Such~~ The indemnity policy
19 shall not be cancelable within the authorization period and shall provide a minimum of
20 twenty-five thousand dollars (\$25,000) for the death of or bodily injury to one person in any one
21 accident, fifty thousand dollars (\$50,000) for the death of or bodily injury to two or more persons
22 in any one accident, and ten thousand dollars (\$10,000) for injury to or destruction of property
23 of others in any one accident. If the liability coverage required by this subsection is being
24 provided by a person or entity other than the appointing law-enforcement agency, the person
25 seeking appointment as a traffic-control officer must present proof of liability coverage meeting
26 the requirements of this subsection before the appointing police chief or sheriff issues an
27 authorization card to that person."

28 **SECTION 2.** This act becomes effective October 1, 2021.