

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 633
HOUSE BILL 23

AN ACT TO REIMBURSE A. C. WIDENHOUSE TRANSPORT FOR DAMAGES
INCURRED WHILE ASSISTING LAW ENFORCEMENT.

Whereas, on February 6, 1972, at approximately 1:30 a.m., the State Highway Patrol received a message that a Trailways bus had been hijacked and that the hijacker had robbed all the passengers, after which all passengers were forced from the bus, except one lady who was being held as a hostage; and

Whereas, after every effort to stop the hijacked bus failed, the bus had been driven by the hijacker through the Town of Rockwell at 60 miles per hour, all traffic lights being red, and had attempted to hit numerous motorists whom he had met on the highway, and due to the seriousness of the situation, it was determined that the hijacked bus must be stopped and a roadblock was ordered; and

Whereas, a tractor-trailer tanker, the property of A. C. Widenhouse Transport, along with the State Highway Patrol vehicle was used to set up the necessary roadblock as the highway was four lanes and heavy equipment was needed to stop the hijacked bus; and

Whereas, the hijacker operating the hijacked bus increased the speed of the bus to 70 to 75 miles per hour and attempted to run the roadblock, totalling the State Highway Patrol vehicle and damaging the trailer of the tractor-trailer tanker belonging to A. C. Widenhouse Transport in the amount of four hundred fifty-five dollars (\$455.00); and

Whereas, the action of the law enforcement officers in commandeering the tractor-trailer tanker was intentional in order to set up an effective roadblock; and

Whereas, A. C. Widenhouse Transport's claim does not fall within the purview of the Torts Claim Act nor does A. C. Widenhouse Transport have a remedy at law; and

Whereas, the damages sustained by A. C. Widenhouse Transport resulted from assisting law enforcement officers while acting in the public interest and the claim filed in the amount of four hundred fifty-five dollars (\$455.00) by A. C. Widenhouse Transport as a result thereof is a legitimate claim which should be paid; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is hereby appropriated out of the general fund of the State to the Department of Transportation, Motor Vehicles Division, the sum of four hundred fifty-five dollars (\$455.00) to be paid to A. C. Widenhouse Transport to reimburse it for damages to its tractor-trailer tanker; provided, however, that in the event such damages or any portion thereof shall be recovered by A. C. Widenhouse Transport from a third party or parties, the sum so recovered shall be repaid to General Fund of the State of North Carolina.

Sec. 2. This act shall become effective upon its ratification.

In the General Assembly read three times and ratified, this the 22nd day of May, 1973.