

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001**

**SESSION LAW 2001-441
SENATE BILL 438**

**AN ACT TO ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC
VEHICULAR AREA BY THE PRIVATE PROPERTY OWNER.**

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01(32) reads as rewritten:

"(32) Public Vehicular Area. – Any area within the State of North Carolina that is ~~generally~~ meets one or more of the following requirements:

a. The area is generally open to and used by the public for vehicular traffic, including by way of illustration and not limitation any drive, driveway, road, roadway, street, alley, or parking lot upon the grounds and premises of any of the following:

a.1. Any public or private hospital, college, university, school, orphanage, church, or any of the institutions, parks or other facilities maintained and supported by the State of North Carolina or any of its ~~subdivisions;~~ ~~or subdivisions.~~

b.2. Any service station, drive-in theater, supermarket, store, restaurant, or office building, or any other business, residential, or municipal establishment providing parking space for customers, patrons, or the ~~public;~~ ~~or public.~~

e.3. Any property owned by the United States and subject to the jurisdiction of the State of North Carolina. (The inclusion of property owned by the United States in this definition shall not limit assimilation of North Carolina law when applicable under the provisions of Title 18, United States Code, section 13).

b. The term "public vehicular area" shall also include any ~~The area is a~~ beach area used by the public for vehicular ~~traffic as well as any traffic.~~

c. The area is a road opened to vehicular traffic within or leading to a subdivision for use by subdivision residents, their guests, and members of the public, whether or not the subdivision roads have been offered for dedication to the public. ~~The term "public vehicular area" shall not be construed to mean any private property not generally open to and used by the public.~~

d. The area is a portion of private property used for vehicular traffic and designated by the private property owner as a public vehicular area in accordance with G.S. 20-219.4."

SECTION 2. Article 7 of Chapter 20 of the General Statutes is amended by adding a new section to read:

"§ 20-219.4. Public vehicular area designated.

(a) Any area of private property used for vehicular traffic may be designated by the property owner as a public vehicular area by registering the area with the

Department of Transportation and by erecting signs identifying the area as a public vehicular area in conformity with rules adopted by the Department of Transportation.

(b) The Department of Transportation shall serve as a registry for registrations of public vehicular areas permitted under this section. The Department shall adopt rules for registration requirements and procedures. The Department shall also adopt rules governing the size and locations of signs designating public vehicular areas by private property owners in accordance with this section. These rules shall ensure that signs erected pursuant to this provision shall be placed so as to provide reasonable notice to motorists.

(c) The Department shall charge a fee not to exceed five hundred dollars (\$500.00) per registration request authorized by this section. The Department may also charge the reasonable cost for furnishing a certified copy of a registration when requested. Funds collected under this subsection shall be used to cover the cost of maintaining the registry."

SECTION 3. G.S. 136-91(b) reads as rewritten:

"(b) As used in this section:

- (1) "Highway" shall be defined as it is in ~~Article 3 of Chapter 20;~~ G.S. 20-4.01; and
- (2) "Public vehicular area" shall be defined as ~~any driveway, roadway, parking lot, or other public or private area open to the public, or a segment of the public, for vehicular traffic or parking.~~ it is in G.S. 20-4.01."

SECTION 4. This act becomes effective December 1, 2001, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 4th day of October, 2001.

s/ Beverly E. Perdue
President of the Senate

s/ James B. Black
Speaker of the House of Representatives

s/ Michael F. Easley
Governor

Approved 7:43 p.m. this 15th day of October, 2001