

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

H

1

HOUSE BILL 1140

Short Title: North Carolina 'Quick Clearance' Act. (Public)

Sponsors: Representatives Allred and Coates (Primary Sponsors).

Referred to: Transportation.

April 10, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE THE QUICK REMOVAL OF VEHICLES, SPILLED
3 CARGO, OR OTHER PERSONAL PROPERTY FROM CONTROLLED-ACCESS
4 HIGHWAYS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. Chapter 20 of the General Statutes is amended by adding a
7 new Part to read:

8 "Part 9B. North Carolina 'Quick Clearance' Act.

9 "§ 20-137.20. Short title.

10 This Part may be known as the North Carolina 'Quick Clearance' Act.

11 "§ 20-137.21. Removal of vehicles, spilled cargo, or other personal property from
12 controlled-access highways.

13 (a) The Department of Crime Control and Public Safety, the Department of
14 Transportation, or a local law enforcement agency may immediately remove or cause to
15 be removed any wrecked, abandoned, unattended, burned, or partially dismantled
16 vehicle, spilled cargo, or other personal property from the roadway of a controlled-
17 access highway if the vehicle, cargo, or personal property is creating an obstruction or
18 hazard to traffic because of its position in relation to the highway, as determined by
19 authorized officers or employees of the Department or agency.

20 (b) Vehicles, cargo, or personal property may be removed to any place within the
21 immediate vicinity without any further action or obligation of the Department of Crime
22 Control and Public Safety, the Department of Transportation, the local law enforcement
23 agency, or others acting at the direction of the Department or agency. In the event of a
24 motor vehicle accident which results in apparent serious personal injury or death, no
25 removal shall occur until a law enforcement officer determines that adequate
26 information has been obtained for preparation of an accident report.

27 (c) When the property creating an obstruction or hazard to traffic is a motor
28 carrier, as defined in G.S. 20-4.01(21b), the agency causing the removal shall make a
29 reasonable effort to allow the owner of the vehicle to arrange for its removal and shall

1 give due consideration to having the vehicle towed by a towing service capable of safely
2 moving the vehicle in question after it has been removed from the travel way in the
3 most expeditious manner available. The final decision on removal shall rest with the
4 agency causing the removal.

5 (d) The removal of vehicles away form the immediate vicinity by law
6 enforcement agencies pursuant to this section shall be subject to the same procedures set
7 forth in Part 9A of this Chapter. If the Department of Transportation removes or orders
8 the removal of a vehicle away from the immediate vicinity, the Department shall notify
9 the Department of Crime Control and Public Safety or the local law enforcement
10 agency, and the Department of Transportation shall follow the same procedures as in
11 Part 9A of this Chapter, provided that the Department of Transportation may make
12 arrangements with the Department of Crime Control and Public Safety or the local law
13 enforcement agency to act on its behalf in complying with Part 9A of this Chapter.

14 (e) If the Department of Crime Control and Public Safety, the Department of
15 Transportation, or a local law enforcement agency removes or orders the removal of
16 spilled cargo or personal property away from the immediate vicinity, the Department or
17 agency shall make reasonable efforts to notify the owner, if known, and shall allow the
18 owner at least 48 hours to claim the cargo or personal property. The Department or
19 agency may immediately dispose of or arrange for the disposal of any cargo, personal
20 property, or other debris that is damaged beyond use or repair.

21 (f) Any liability of the Department of Crime Control and Public Safety or the
22 Department of Transportation for damage to vehicles or cargo resulting from removal
23 pursuant to the provisions of this section shall be determined in accordance with the
24 provisions of Article 31 of Chapter 143 of the General Statues.

25 (g) Any liability of a local law enforcement agency for damage to vehicles or
26 cargo resulting from removal pursuant to the provisions of this section shall be a
27 governmental function and shall be determined as provided in G.S. 153A-435 or G.S.
28 160-485, as appropriate.

29 (h) The Department of Crime Control and Public Safety, the Department of
30 Transportation, or a local law enforcement agency may require the owner or carrier, if
31 any, of a vehicle, spilled cargo, or other personal property removed or disposed of under
32 the authority of this section to pay for any costs incurred in the removal and subsequent
33 disposition of the vehicle, spilled cargo, or other personal property."

34 **SECTION 2.** This act is effective when it becomes law.