

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

**SENATE BILL 1359
RATIFIED BILL**

AN ACT TO ALLOW THE OPERATOR OF A MOTORCYCLE TO PROCEED THROUGH AN INTERSECTION CONTROLLED BY A TRAFFIC SIGNAL ONLY IF THE TRAFFIC SIGNAL USES AN INDUCTIVE LOOP VEHICLE SENSOR THAT ACTIVATES THE TRAFFIC SIGNAL AND THE INDUCTIVE LOOP FAILS TO DETECT THE MOTORCYCLE AND ACTIVATE THE TRAFFIC SIGNAL.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-158 is amended by adding a new subsection to read:
"§ 20-158. Vehicle control signs and signals.

(e) Defense. – It shall be a defense to a violation of sub-subdivision (b)(2)a. of this section if the operator of a motorcycle, as defined in G.S. 20-4.01(27)d., shows all of the following:

- (1) The operator brought the motorcycle to a complete stop at the intersection or stop bar where a steady red light was being emitted in the direction of the operator.
- (2) The intersection is controlled by a vehicle actuated traffic signal using an inductive loop to activate the traffic signal.
- (3) No other vehicle that was entitled to have the right-of-way under applicable law was sitting at, traveling through, or approaching the intersection.
- (4) No pedestrians were attempting to cross at or near the intersection.
- (5) The motorcycle operator who received the citation waited a minimum of three minutes at the intersection or stop bar where the steady red light was being emitted in the direction of the operator before entering the intersection."

SECTION 2. This act becomes effective December 1, 2007, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 12th day of July, 2007.

Beverly E. Perdue
President of the Senate

Joe Hackney
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____m. this _____ day of _____, 2007