

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H.B. 268
Mar 17, 2015
HOUSE PRINCIPAL CLERK

H

D

HOUSE DRH30098-MH-111 (03/17)

Short Title: Amend Transportation Laws.-AB

(Public)

Sponsors: Representatives Iler, Torbett, Shepard, and Tine (Primary Sponsors).

Referred to:

A BILL TO BE ENTITLED

AN ACT TO AMEND THE TOLLING PROCEDURES OF THE TURNPIKE AUTHORITY BY ALLOWING THE AUTHORITY TO SEND TOLL BILLS BY ELECTRONIC MAIL, AND BY EXTENDING THE TIME FOR PAYMENT OF TOLLS AND CIVIL PENALTIES FOR UNPAID TOLLS, TO ALLOW THE DEPARTMENT OF TRANSPORTATION TO GENERATE CERTAIN RECEIPTS TO FUND RAIL PASSENGER SERVICE, TO PROVIDE AN EXEMPTION FROM THE UMSTEAD ACT FOR SUCH ACTIVITIES, AND TO AMEND AND CLARIFY THE STATUTES GOVERNING THE CLEARANCE OF WRECKED VEHICLES AND OTHER TRAFFIC OBSTACLES FROM PUBLIC HIGHWAYS, AS RECOMMENDED BY THE DEPARTMENT OF TRANSPORTATION.

The General Assembly of North Carolina enacts:

TURNPIKE AUTHORITY ELECTRONIC BILLING

SECTION 1. G.S. 136-89.214(a) reads as rewritten:

"(a) Bill. – If a motor vehicle travels on a Turnpike project that uses an open road tolling system and a toll for traveling on the project is not paid prior to travel or at the time of travel, the Authority must send a bill by first-class mail to the registered owner of the motor vehicle or the person who had care, custody, and control of the vehicle as established under G.S. 136-89.212(b) for the amount of the unpaid toll, provided, however, that with the written consent of the registered owner of the motor vehicle or the person who had care, custody, and control of the vehicle as set forth above, the Authority may send the bill via electronic mail to a designated electronic mail account rather than by first-class mail. The Authority must send the bill within 90 days after the travel occurs, or within 90 days of receipt of a sworn affidavit submitted under G.S. 136-89.212(b) identifying the person who had care, custody, and control of the motor vehicle. If a bill is not sent within the required time, the Authority waives collection of the toll. The Authority must establish a billing period for unpaid open road tolls that is no shorter than 15 days. A bill for a billing period must include all unpaid tolls incurred by the same person during the billing period."

EXTEND TURNPIKE AUTHORITY CIVIL PENALTY PAYMENT DEADLINES

SECTION 2. G.S. 136-89.216 reads as rewritten:

"§ 136-89.216. Civil penalty for failure to pay open road toll.

(a) Penalty. – A person who receives two or more bills for unpaid open road tolls and who has not paid the amount due on those bills within ~~30~~45 days is subject to a civil penalty of twenty-five dollars (\$25.00). Only one penalty may be assessed in a six-month period.

(b) Payment. – The Authority must send a notice by first-class mail to a person who is assessed a civil penalty under this section. A person who is assessed a civil penalty must pay



1 the unpaid toll for which the civil penalty was imposed, the amount of any processing fee due,
2 and the civil penalty within ~~30~~45 days of the date of the notice.

3"

4 **PASSENGER RAIL RECEIPT GENERATING ACTIVITIES**

5 **SECTION 3.1** G.S. 136-18 is amended by adding a new subdivision to read:

6 "(44a) The Department may operate or contract for the following receipt-generating
7 activities and use the proceeds to fund passenger rail operations:

8 a. Operation of concessions on State-funded passenger trains and at
9 passenger rail facilities to provide to passengers food, drink, and
10 other refreshments, personal comfort items, Internet access, and
11 souvenirs publicizing the passenger rail system.

12 b. The sale of naming rights to any passenger rail equipment or facility.

13 c. Advertising on or within any passenger rail equipment or facility,
14 including display advertising and advertising delivered to passengers
15 through the use of video monitors, public address systems installed in
16 passenger areas, and other electronic media.

17 d. Any other receipt-generating activity not otherwise forbidden by
18 applicable law pertaining to public health or safety."

19 **SECTION 3.2** G.S. 66-58(c)(21) reads as rewritten:

20 "(21) Any activity conducted or contracted for by the Department of
21 Transportation that is authorized by G.S. 136-18(44a) or G.S. 136-82(f)."

22 **AMEND HIGHWAY OBSTRUCTION QUICK CLEARANCE REQUIREMENTS**

23 **SECTION 4.** G.S. 20-161(f) reads as rewritten:

24 "(f) ~~Any~~An investigating law enforcement officer, with the concurrence of the
25 Department of Transportation, or the Department of Transportation, with the concurrence of the
26 investigating law enforcement officer, may immediately remove or cause to be removed from
27 the State highway system any wrecked, abandoned, disabled, unattended, burned, or partially
28 dismantled vehicle, cargo, or other personal property interfering with the regular flow of traffic
29 or which otherwise constitutes a hazard. In the event of a motor vehicle crash involving serious
30 personal injury or death, no removal shall occur until the investigating law enforcement officer
31 determines that adequate information has been obtained for preparation of a crash report. No
32 state or local law enforcement officer, Department of Transportation employee, or person or
33 firm contracting or assisting in the removal or disposition of any such vehicle, cargo, or other
34 personal property shall be held criminally or civilly liable for any damage or economic injury
35 related to carrying out or enforcing the provisions of this section."

36 **EFFECTIVE DATE**

37 **SECTION 5.** Section 2 of this act is effective July 1, 2015, and applies to tolls
38 incurred for travel on a Turnpike project on or after that date. Section 4 of this act is effective
39 when it becomes law and applies to any obstructions to traffic arising on or after 12:01 A.M. of
40 the day following that date. The remainder of this act is effective when it becomes law.