

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H.B. 67
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40027-BG-1

Short Title: Road Barrier Prohibition. (Public)

Sponsors: Representatives McNeill, Shepard, Goodman, and R. Turner (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND THE PROHIBITION ON THE REMOVAL, DESTRUCTION, OR
3 DRIVING THROUGH OF ROADWAY CONSTRUCTION BARRIERS TO INCLUDE
4 DANGEROUS ROADWAY CONDITION CLOSURE BARRIERS, AS RECOMMENDED
5 BY THE HOUSE SELECT COMMITTEE ON STRATEGIC TRANSPORTATION
6 PLANNING AND LONG TERM FUNDING SOLUTIONS.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 136-26 reads as rewritten:
9 "**§ 136-26. Closing of State transportation infrastructure during construction; construction**
10 **or for dangerous conditions; driving through, removal, injury to barriers,**
11 **warning signs, etc.**

12 If it shall appear necessary to the Department of Transportation, its officers, or appropriate
13 employees, to close any transportation infrastructure coming under its jurisdiction so as to permit
14 proper completion of construction work which is being performed, or to prohibit traffic on
15 transportation infrastructure due to damage posing a danger to public safety, the Department of
16 Transportation, its officers or employees, may close, or cause to be closed, the whole or any
17 portion of transportation infrastructure deemed necessary to be excluded from public travel.
18 While any transportation infrastructure, or portion thereof, is so closed, or while any
19 transportation infrastructure, or portion thereof, is in process of construction or maintenance, the
20 Department of Transportation, its officers or appropriate employees, or its contractor, under
21 authority from the Department of Transportation, may erect, or cause to be erected, suitable
22 barriers or obstruction thereon; may post, or cause to be posted, conspicuous notices to the effect
23 that the transportation infrastructure, or portion thereof, is closed; and may place warning signs,
24 lights and lanterns on transportation infrastructure, or portions thereof. When infrastructure is
25 closed to the public ~~or in process of construction or maintenance,~~ as provided herein, any person
26 who willfully drives ~~into new construction work, breaks down, onto~~ transportation infrastructure
27 closed pursuant to this section or removes, injures or destroys any such barrier or barriers or
28 obstructions on the road closed or being constructed, or tears down, removes or destroys any
29 such notices, or extinguishes, removes, injures or destroys any such warning ~~lights-signs, lights,~~
30 or lanterns so erected, posted or ~~placed,~~ pursuant to this section, shall be guilty of a Class 1
31 misdemeanor.

32 This prohibition does not apply to law enforcement, first responders, emergency
33 management, or Department of Transportation personnel acting in the course of, and within the
34 scope of, their official duties."

35 **SECTION 2.** This act becomes effective December 1, 2019, and applies to offenses
36 committed on or after that date.

