

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 438
Judiciary I Committee Substitute Adopted 6/13/01
Finance Committee Substitute Adopted 7/18/01

Short Title: Clarify Public Vehicular Area.

(Public)

Sponsors:

Referred to:

March 13, 2001

A BILL TO BE ENTITLED

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. —

a. Any area within the State of North Carolina that 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~~ of any of the following:

~~a.1.~~ 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;~~ subdivisions.

~~b.2.~~ 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;~~ public.

~~e.3.~~ 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).

- 1 **b.** ~~The term "public vehicular area" shall also include any~~ Any
2 beach area used by the public for vehicular ~~traffic as well as any~~
3 ~~traffic.~~
4 **c.** Any road opened to vehicular traffic within or leading to a
5 subdivision for use by subdivision residents, their guests, and
6 members of the public, whether or not the subdivision roads
7 have been offered for dedication to the public. ~~The term "public~~
8 ~~vehicular area" shall not be construed to mean public, but~~
9 ~~excluding any private property not generally open to and used~~
10 by the public.
11 **d.** Any portion of private property used for vehicular traffic and
12 ~~designated by the private property owner as a public vehicular~~
13 ~~area in accordance with G.S. 20-219.4."~~

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

16 "**§ 20-219.4. Public vehicular area designated.**

17 **(a)** A private property owner may designate any area used for vehicular traffic as
18 a public vehicular area by registering the area with the Department of Transportation
19 and by erecting signs identifying the area as a public vehicular area in conformity with
20 rules adopted by the Department of Transportation.

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

28 **(c)** The Department shall charge a fee not to exceed five hundred dollars
29 (\$500.00) per registration request authorized by this section. The Department may also
30 charge the reasonable cost for furnishing a certified copy of a registration when
31 requested. Funds collected under this subsection shall be used to cover the cost of
32 maintaining the registry."

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

34 **"(b)** As used in this section:

- 35 (1) "Highway" shall be defined as it is in ~~Article 3 of Chapter 20;~~ G.S. 20-
36 4.01; and
37 (2) "Public vehicular area" shall be defined as ~~any driveway, roadway,~~
38 ~~parking lot, or other public or private area open to the public, or a~~
39 ~~segment of the public, for vehicular traffic or parking.~~ it is in G.S. 20-
40 4.01."

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