

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE BILL 1096*

Short Title: Modify Speed Zone Restrictions.

(Public)

Sponsors: Representative Martin.

Referred to: Transportation, if favorable, Judiciary I.

April 7, 2009

A BILL TO BE ENTITLED

AN ACT TO PREVENT SPEED LIMITS IN AREAS NEWLY ANNEXED BY A MUNICIPALITY FROM AUTOMATICALLY BECOMING THIRTY-FIVE MILE-PER-HOUR SPEED ZONES AND TO ALLOW FLEXIBILITY IN THE LOCATION OF WORK ZONE SIGNAGE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-141(f) reads as rewritten:

"(f) Whenever local authorities within their respective jurisdictions determine upon the basis of an engineering and traffic investigation that a higher maximum speed than those set forth in subsection (b) is reasonable and safe, or that any speed hereinbefore set forth is greater than is reasonable and safe, under the conditions found to exist upon any part of a street within the corporate limits of a municipality and which street is a part of the State highway system (except those highways designated as part of the interstate highway system or other controlled-access highway) said local authorities shall determine and declare a safe and reasonable speed limit. A speed limit set pursuant to this subsection may not exceed 55 miles per hour. Limits set pursuant to this subsection shall become effective when the Department of Transportation has passed a concurring ordinance and signs are erected giving notice of the authorized speed limit.

When local authorities annex a road on the State highway system, the speed limit posted on the road at the time the road was annexed shall remain in effect until both the Department and municipality pass concurrent ordinances to change the speed limit.

The Department of Transportation is authorized to raise or lower the statutory speed limit on all highways on the State highway system within municipalities which do not have a governing body to enact municipal ordinances as provided by law. The Department of Transportation shall determine a reasonable and safe speed limit in the same manner as is provided in G.S. 20-141(d)(1) and G.S. 20-141(d)(2) for changing the speed limits outside of municipalities, without action of the municipality."

SECTION 2. G.S. 20-141(j2) reads as rewritten:

"(j2) A person who drives a motor vehicle in a highway work zone at a speed greater than the speed limit set and posted under this section shall be required to pay a penalty of two hundred fifty dollars (\$250.00). This penalty shall be imposed in addition to those penalties established in this Chapter. A "highway work zone" is the area between the first sign that informs motorists of the existence of a work zone on a highway and the last sign that informs motorists of the end of the work zone. This subsection applies only if a sign posted ~~at the beginning of the~~ in the highway work zone states the penalty for speeding in the work zone. The Secretary shall ensure that work zones shall only be posted with penalty signs if the



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1 Secretary determines, after engineering review, that the posting is necessary to ensure the
2 safety of the traveling public due to a hazardous condition.
3 A law enforcement officer issuing a citation for a violation of this section while in a
4 highway work zone shall indicate the vehicle speed and speed limit posted in the work zone.
5 Upon an individual's conviction of a violation of this section while in a highway work zone, the
6 clerk of court shall report that the vehicle was in a work zone at the time of the violation, the
7 vehicle speed, and the speed limit of the work zone to the Division of Motor Vehicles."
8 **SECTION 3.** Section 1 of this act is effective when it becomes law. Section 2 of
9 this act becomes effective December 1, 2009, and applies to offenses committed on or after that
10 date.