

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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SENATE BILL 649
House Committee Substitute Favorable 6/3/09

Short Title: Modify Speed Zone Restrictions.

(Public)

Sponsors:

Referred to:

March 19, 2009

1 A BILL TO BE ENTITLED
2 AN ACT TO PREVENT SPEED LIMITS IN AREAS NEWLY ANNEXED BY A
3 MUNICIPALITY FROM AUTOMATICALLY BECOMING THIRTY-FIVE
4 MILE-PER-HOUR SPEED ZONES AND TO ALLOW FLEXIBILITY IN THE
5 DESIGNATION OF SEGMENTS OF WORK ZONES SUBJECT TO ADDITIONAL
6 PENALTIES.

7 The General Assembly of North Carolina enacts:

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

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

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

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

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

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



1 shall ensure that work zones shall only be posted with penalty signs if the Secretary determines,
2 after engineering review, that the posting is necessary to ensure the safety of the traveling
3 public due to a hazardous condition.

4 A law enforcement officer issuing a citation for a violation of this section while in a
5 highway work zone shall indicate the vehicle speed and speed limit posted in the work zone.
6 Upon an individual's conviction of a violation of this section while in a highway work zone, the
7 clerk of court shall report that the vehicle was in a work zone at the time of the violation, the
8 vehicle speed, and the speed limit of the work zone to the Division of Motor Vehicles."

9 **SECTION 3.** Section 1 of this act is effective when it becomes law. Section 2 of
10 this act becomes effective December 1, 2009, and applies to offenses committed on or after that
11 date.