

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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HOUSE BILL 516

Senate Transportation Committee Substitute Adopted 6/25/91

Short Title: Uniform Traffic Control Devices.

(Public)

Sponsors:

Referred to:

April 1, 1991

A BILL TO BE ENTITLED

AN ACT REQUIRING TRAFFIC SIGNS AND OTHER TRAFFIC CONTROL DEVICES ON ALL HIGHWAYS AND PUBLIC VEHICULAR AREAS TO CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.

The General Assembly of North Carolina enacts:

Section 1. G.S. 136-30 reads as rewritten:

"§ 136-30. Uniform guide and warning signs and other traffic control devices on highways, highways, streets, and public vehicular areas.

(a) State Highway System. – The Department of Transportation is hereby authorized to classify, designate and mark both intrastate and interstate highways, including connecting streets in incorporated towns and cities, lying within this State and to provide a system of marking and signing such highways. Highways shall be distinctly marked with some standard, uniform design and the numbers thereon shall correspond with the numbers given the various routes by the Department of Transportation and shown on official maps issued by the Department of Transportation. Other guide signs and warning signs shall also be of uniform design. The system of marking and signing highways shall correlate with and so far as possible conform to the system adopted in other states. may number and mark highways in the State highway system. All traffic signs and other traffic control devices placed on a highway in the State highway system must conform to the Uniform Manual. The Department of Transportation shall have the power to control all signs within the right-of-way of State highways. highways in the State highway system. The Department of Transportation may erect proper and uniform signs directing persons to roads and places of importance.

1       (b) Municipal Street System. – All traffic signs and other traffic control devices  
2 placed on a municipal street system street must conform to the Uniform Manual. All  
3 traffic control devices placed on a highway that is within the corporate limits of a  
4 municipality but is part of the State highway system must be approved by the  
5 Department of Transportation.

6       (c) Public Vehicular Areas. – Except as provided in this subsection, all traffic  
7 signs and other traffic control devices placed on a public vehicular area, as defined in  
8 G.S. 20-4.01, must conform to the Uniform Manual. The owner of private property that  
9 contains a public vehicular area may place on the property a traffic control device, other  
10 than a sign designating a parking space for handicapped persons, as defined in G.S. 20-  
11 37.5, that differs in material from the uniform device but does not differ in shape, size,  
12 color, or any other way from the uniform device. The owner of private property that  
13 contains a public vehicular area may place on the property a sign designating a parking  
14 space for handicapped persons that differs in material and color from the uniform sign  
15 but does not differ in shape, size, or any other way from the uniform device.

16       (d) Definition. – As used in this section, the term 'Uniform Manual' means the  
17 Manual on Uniform Traffic Control Devices for Streets and Highways, published by the  
18 United States Department of Transportation, and any supplement to that Manual  
19 adopted by the North Carolina Department of Transportation."

20               Sec. 2. G.S. 136-30.1(c) is repealed.

21               Sec. 3. G.S. 136-31 is repealed.

22               Sec. 4. G.S. 20-37.6 reads as rewritten:

23 **"§ 20-37.6. Handicapped; drivers and passengers; parking privileges.**

24       (a) Any vehicle driven by or transporting a person who is handicapped as defined  
25 by G.S. 20-37.5 or transporting a person who is visually impaired as defined by G.S.  
26 111-11, as certified by a licensed ophthalmologist, optometrist, or Division of Services  
27 for the Blind, may be parked for unlimited periods in parking zones restricted as to the  
28 length of time parking is permitted. This provision has no application to those zones or  
29 during times in which the stopping, parking, or standing of all vehicles is prohibited or  
30 which are reserved for special types of vehicles. Any qualifying vehicle may park in  
31 spaces designated by aboveground markings as restricted to vehicles distinguished as  
32 being driven by or as transporting the handicapped or as transporting the visually  
33 impaired.

34       (b) Handicapped Car Owners; Distinguishing License Plates. – If the  
35 handicapped or visually impaired person is a registered owner of a vehicle, this vehicle  
36 may display a distinguishing license plate. This license plate shall be issued for the  
37 normal fee applicable to standard license plates. Any vehicle owner who qualifies for a  
38 distinguishing license plate may also receive a combination of two distinguishing  
39 placards or identification cards under subsection (c).

40       (c) Handicapped Drivers and Passengers; Distinguishing Placards or  
41 Identification Cards. – A person who is either handicapped or visually impaired may  
42 apply for issuance of a distinguishing placard or a wallet-size identification card to be  
43 designed by the Division of Motor Vehicles of the Department of Transportation, in  
44 cooperation with the Office for the Handicapped of the Department of Insurance. Any

1 organization which, as determined and certified by the State Vocational Rehabilitation  
2 Agency, regularly transports handicapped or visually impaired people, may also apply.  
3 A placard shall be at least 6 inches by 12 inches in size, and a placard or identification  
4 card shall contain all the information the Division of Motor Vehicles deems necessary  
5 for designation and enforcement. A placard or identification card shall be displayed on  
6 the driver's side of the dashboard of a vehicle only when the vehicle is being driven by a  
7 duly licensed handicapped driver or is being used to transport handicapped or visually  
8 impaired passengers. When the placard or identification card is properly displayed, all  
9 parking rights and privileges extended to vehicles displaying a distinguishing license  
10 plate issued pursuant to subsection (b) shall apply. The Division of Motor Vehicles shall  
11 establish procedures for the issuance of the distinguishing placards and identification  
12 cards, and may charge a fee sufficient to pay the actual cost of issuance. A combination  
13 of two placards or identification cards may be issued to an applicant on request.  
14 Applicants who are organizations may receive one placard or identification card for  
15 each transporting vehicle.

16 (d) Designation of Parking Places. – Designation of parking spaces for the  
17 ~~physically handicapped persons and the visually impaired~~ on streets and ~~in other areas,~~  
18 ~~including public vehicular areas specified in G.S. 20-4.01(32), shall be by the use of~~  
19 ~~sign R7-8 for multiple parking spaces as shown in the Manual on Uniform Traffic~~  
20 ~~Control Devices, or sign R7-8a for single parking spaces as shown in the N.C.~~  
21 ~~Department of Transportation Supplement to the Manual on Uniform Traffic Control~~  
22 ~~Devices. Signs R7-8 and R7-8a public vehicular areas shall comply with G.S. 136-30.~~  
23 A sign designating a parking space for handicapped persons shall state the maximum  
24 penalty for parking in a parking space for the physically handicapped or visually  
25 impaired the space in violation of the law.

26 (d1) ~~Unique Properties. – The owner of private property which contains a public~~  
27 ~~vehicular area, on which is to be designated one or more parking spaces for the~~  
28 ~~physically handicapped and the visually impaired, may file a written certification, on a~~  
29 ~~form supplied by the Department of Transportation, that signs conforming to G.S. 20-~~  
30 ~~37.6(d) would not be compatible with the unique visual character of the property. Upon~~  
31 ~~filing of the certification with the Department of Transportation, the owner may cause to~~  
32 ~~be erected signs of materials and colors different from signs R7-8 and R7-8a. The signs~~  
33 ~~shall be the same size and shape as signs R7-8 or R7-8a, as appropriate, with the same~~  
34 ~~letters, words, numbers, and symbols, except for the statement of the maximum penalty~~  
35 ~~for parking in a parking space for the physically handicapped or visually impaired in~~  
36 ~~violation of the law. Such signs shall be deemed to conform to G.S. 20-37.6(d).~~

37 (e) Enforcement of Handicapped Parking Privileges. – It shall be unlawful:

- 38 (1) To park or leave standing any vehicle in a space designated with a sign  
39 pursuant to subsection (d) of this section for handicapped persons or  
40 visually impaired persons when the vehicle does not display the  
41 distinguishing license plate, placard, or identification card as provided  
42 in this section or a disabled veteran registration plate issued pursuant  
43 to G.S. 20-81.4[;]

- 1 (2) For any person not qualifying for the rights and privileges extended to  
2 handicapped or visually impaired persons under this section to exercise  
3 or attempt to exercise such rights or privileges by the unauthorized use  
4 of a distinguishing license plate, placard, or identification card issued  
5 pursuant to the provisions of this section;
- 6 (3) To park or leave standing any vehicle so as to obstruct a curb ramp or  
7 curb cut for handicapped persons as provided for by the North  
8 Carolina Building Code or as designated in G.S. 136-44.14;
- 9 (4) For those responsible for designating parking spaces for the  
10 handicapped to erect or otherwise use signs not conforming to G.S. 20-  
11 37.6(d) for this purpose.

12 This section is enforceable in all public vehicular areas specified in G.S. 20-  
13 4.01(32).

14 (f) Penalties for Violation. –

- 15 (1) A violation of G.S. 20-37.6(e)(1), (2) or (3) is an infraction which  
16 carries a penalty of at least fifty dollars (\$50.00) but not more than one  
17 hundred dollars (\$100.00) and whenever evidence shall be presented in  
18 any court of the fact that any automobile, truck, or other vehicle was  
19 found to be parked in a properly designated handicapped parking space  
20 in violation of the provisions of this section, it shall be **prima facie**  
21 evidence in any court in the State of North Carolina that the vehicle  
22 was parked and left in the space by the person, firm, or corporation in  
23 whose name the vehicle is registered and licensed according to the  
24 records of the Division of Motor Vehicles. No evidence tendered or  
25 presented under this authorization shall be admissible or competent in  
26 any respect in any court or tribunal except in cases concerned solely  
27 with a violation of this section.
- 28 (2) A violation of G.S. 20-37.6(e)(4) is an infraction which carries a  
29 penalty of at least fifty dollars (\$50.00) but not more than one hundred  
30 dollars (\$100.00) and whenever evidence shall be presented in any  
31 court of the fact that any such nonconforming sign or markings are  
32 being used it shall be **prima facie** evidence in any court in the State of  
33 North Carolina that the person, firm, or corporation with ownership of  
34 the property where said nonconforming signs or markings are located  
35 is responsible for violation of this section. Building inspectors and  
36 others responsible for North Carolina State Building Code violations  
37 specified in G.S. 143-138(h) where such signs are required by the  
38 Handicapped Section of the North Carolina State Building Code, may  
39 cause a citation to be issued for this violation and may also initiate any  
40 appropriate action or proceeding to correct such violation.
- 41 (3) A law-enforcement officer, including a security officer who has  
42 authority to enforce laws on the property of his employer as specified  
43 in Chapter 74A, may cause a vehicle parked in violation of this section  
44 to be towed; and such officer shall be a legal possessor as provided in

1 G.S. 20-161(d)(2). This law-enforcement officer, or security officer,  
2 shall not be held to answer in any civil or criminal action to any owner,  
3 lienholder or other person legally entitled to the possession of any  
4 motor vehicle removed from such space pursuant to this section,  
5 except where such motor vehicle is willfully, maliciously, or  
6 negligently damaged in the removal from aforesaid space to place of  
7 storage.

- 8 (4) Notwithstanding any other provision of the General Statutes, the  
9 provisions of this section relative to handicapped parking shall be  
10 enforced by State, county, city and other municipal authorities in their  
11 respective jurisdictions whether on public or private property in the  
12 same manner as is used to enforce other parking laws and ordinances  
13 by said agencies."

14 Sec. 5. G.S. 20-169 reads as rewritten:

15 **"§ 20-169. Powers of local authorities.**

16 Local authorities, except as expressly authorized by G.S. 20-141 and 20-158, shall  
17 have no power or authority to alter any speed limitations declared in this Article or to  
18 enact or enforce any rules or regulations contrary to the provisions of this Article,  
19 except that local authorities shall have power to provide by ordinances for the regulation  
20 of traffic by means of traffic or semaphores or other signaling devices on any portion of  
21 the highway where traffic is heavy or continuous and may prohibit other than one-way  
22 traffic upon certain highways, and may regulate the use of the highways by processions  
23 or assemblages and except that local authorities shall have the power to regulate the  
24 speed of vehicles on highways in public parks, but signs shall be erected giving notices  
25 of such special limits and regulations. ~~Signaling devices of a stop-light nature erected~~  
26 ~~pursuant to this section and which emit alternate red and green lights shall be so arranged and~~  
27 ~~placed that the red light shall appear at the top and the green light shall appear at the bottom of~~  
28 ~~the signaling unit. Provided, that all traffic signs, signals, markings, islands, and all other~~  
29 ~~traffic control devices installed or erected on streets or highways on the State highway system~~  
30 ~~within the corporate limits of a municipality shall be subject to the approval of the Department~~  
31 ~~of Transportation and be installed or erected in substantial conformance with the specifications~~  
32 ~~set forth in the Manual on Uniform Traffic Control Devices for Streets and Highways, or any~~  
33 ~~subsequent revisions of the same, published by the United States Department of Commerce,~~  
34 ~~Bureau of Public Roads and dated June, 1961. Provided further that the Department of~~  
35 ~~Transportation is authorized and directed to assume the cost of installing and erecting such~~  
36 ~~traffic control devices provided the same are installed and erected with the approval of the~~  
37 ~~Department of Transportation and in conformity with this section, and the Department of~~  
38 ~~Transportation is authorized and directed to assume the costs of altering existing traffic control~~  
39 ~~devices on the State highway system to conform to the said specifications set out above."~~

40 Sec. 6. G.S. 160A-296(b) is repealed.

41 Sec. 7. This act becomes effective January 1, 1992. Any nonconforming  
42 sign or other traffic control device in use on the effective date of this act may remain in  
43 use until January 1, 1994.