

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1267  
Committee Substitute Favorable 6/12/96

Short Title: Speed Limits.

(Public)

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Sponsors:

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Referred to:

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May 21, 1996

A BILL TO BE ENTITLED

1 AN ACT TO AUTHORIZE THE DEPARTMENT OF TRANSPORTATION TO  
2 ESTABLISH SPEED LIMITS UP TO SEVENTY MILES PER HOUR ON  
3 DESIGNATED PARTS OF CONTROLLED ACCESS HIGHWAYS AND TO  
4 PROVIDE FOR SUSPENSION OF THE LICENSE OF A PERSON DRIVING IN  
5 EXCESS OF SEVENTY-NINE MILES PER HOUR.  
6

7 The General Assembly of North Carolina enacts:

8 Section 1. G.S. 20-141 reads as rewritten:

9 **"§ 20-141. Speed restrictions.**

10 (a) No person shall drive a vehicle on a highway or in a public vehicular area at  
11 a speed greater than is reasonable and prudent under the conditions then existing.

12 (b) Except as otherwise provided in this Chapter, it shall be unlawful to operate a  
13 vehicle in excess of the following speeds:

14 (1) Thirty-five miles per hour inside municipal corporate limits for all  
15 vehicles.

16 (2) Fifty-five miles per hour outside municipal corporate limits for all  
17 ~~vehicles~~ vehicles, ~~except on rural Interstate Highways where the speed limit~~  
18 ~~has been raised pursuant to G.S. 20-141(d)(2), and~~ except for school buses  
19 and school activity buses.

1 (c) Except while towing another vehicle, or when an advisory safe-speed sign  
2 indicates a slower speed, or as otherwise provided by law, it shall be unlawful to operate  
3 a passenger vehicle upon the interstate and primary highway system at less than the  
4 following speeds:

5 (1) Forty miles per hour in a speed zone of 55 miles per hour.

6 (2) Forty-five miles per hour in a speed zone of 60 miles per hour or  
7 greater.

8 These minimum speeds shall be effective only when appropriate signs are posted  
9 indicating the minimum speed.

10 (d) (1) Whenever the Department of Transportation determines on  
11 the basis of an engineering and traffic investigation that any speed  
12 allowed by subsection (b) is greater than is reasonable and safe under  
13 the conditions found to exist upon any part of a highway outside the  
14 corporate limits of a municipality or upon any part of a highway  
15 designated as part of the Interstate Highway System or ~~other~~ any part  
16 of a controlled-access highway (either inside or outside the corporate  
17 limits of a municipality), the Department of Transportation shall  
18 determine and declare a reasonable and safe speed limit.

19 (2) Whenever the Department of Transportation determines on the basis of  
20 an engineering and traffic investigation that a higher maximum speed  
21 than those set forth in subsection (b) is reasonable and safe under the  
22 conditions found to exist upon any part of a highway designated as part  
23 of the Interstate Highway System or ~~other~~ any part of a controlled-  
24 access highway (either inside or outside the corporate limits of a  
25 municipality) the Department of Transportation shall determine and  
26 declare a reasonable and safe speed limit. A speed limit set pursuant to  
27 this subsection may not exceed 70 miles per hour. ~~The Department of~~  
28 ~~Transportation shall set the speed limit not to exceed that allowed by~~  
29 ~~applicable Federal law on any part of the Interstate Highway System that they~~  
30 ~~deem to be safe.~~

31 Speed limits set pursuant to this subsection are not effective until appropriate signs  
32 giving notice thereof are erected upon the parts of the highway affected.

33 (e) Local authorities, in their respective jurisdictions, may authorize by ordinance  
34 higher speeds or lower speeds than those set out in subsection (b) upon all streets which  
35 are not part of the State highway system; but no speed so fixed shall authorize a speed in  
36 excess of 55 miles per hour. Speed limits set pursuant to this subsection shall be  
37 effective when appropriate signs giving notice thereof are erected upon the part of the  
38 streets affected.

39 (f) Whenever local authorities within their respective jurisdictions determine upon  
40 the basis of an engineering and traffic investigation that a higher maximum speed than  
41 those set forth in subsection (b) is reasonable and safe, or that any speed hereinbefore set  
42 forth is greater than is reasonable and safe, under the conditions found to exist upon any  
43 part of a street within the corporate limits of a municipality and which street is a part of

1 the State highway system (except those highways designated as part of the interstate  
2 highway system or other controlled-access highway) said local authorities shall determine  
3 and declare a safe and reasonable speed limit. A speed limit set pursuant to this  
4 subsection may not exceed 55 miles per hour. Limits set pursuant to this subsection shall  
5 become effective when the Department of Transportation has passed a concurring  
6 ordinance and signs are erected giving notice of the authorized speed limit.

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

13 (g) Whenever the Department of Transportation or local authorities within their  
14 respective jurisdictions determine on the basis of an engineering and traffic investigation  
15 that slow speeds on any part of a highway considerably impede the normal and  
16 reasonable movement of traffic, the Department of Transportation or such local authority  
17 may determine and declare a minimum speed below which no person shall operate a  
18 motor vehicle except when necessary for safe operation in compliance with law. Such  
19 minimum speed limit shall be effective when appropriate signs giving notice thereof are  
20 erected on said part of the highway. Provided, such minimum speed limit shall be  
21 effective as to those highways and streets within the corporate limits of a municipality  
22 which are on the State highway system only when ordinances adopting the minimum  
23 speed limit are passed and concurred in by both the Department of Transportation and the  
24 local authorities. The provisions of this subsection shall not apply to farm tractors and  
25 other motor vehicles operating at reasonable speeds for the type and nature of such  
26 vehicles.

27 (h) No person shall operate a motor vehicle on the highway at such a slow speed  
28 as to impede the normal and reasonable movement of traffic except when reduced speed  
29 is necessary for safe operation or in compliance with law; provided, this provision shall  
30 not apply to farm tractors and other motor vehicles operating at reasonable speeds for the  
31 type and nature of such vehicles.

32 (i) The Department of Transportation shall have authority to designate and  
33 appropriately mark certain highways of the State as truck routes.

34 (j) ~~Any person convicted of violating this section by operating a vehicle on a~~  
35 ~~street or highway in excess of 55 miles per hour and at least 15 miles per hour over the~~  
36 ~~legal limit while fleeing or attempting to elude arrest or apprehension by a law~~  
37 ~~enforcement officer with authority to enforce the motor vehicle laws is guilty of a Class 1~~  
38 ~~misdemeanor.~~ A person who does one of the following while fleeing or attempting to  
39 elude arrest or apprehension by a law enforcement officer with authority to enforce the  
40 motor vehicle laws is guilty of a Class 1 misdemeanor:

41 (1) Drives a vehicle on a street or highway in excess of 55 miles per hour  
42 and more than 15 miles per hour over the legal limit.

43 (2) Drives a vehicle in excess of 79 miles per hour.

1 (j1) A person who drives a vehicle on a highway at a speed that is either more than  
2 15 miles per hour more than the speed limit established by law for the highway where the  
3 offense occurred or over 79 miles per hour is guilty of a Class 2 misdemeanor.

4 (j2) A person who drives a motor vehicle in a highway work zone at a speed  
5 greater than the speed limit set and posted under G.S. 20-141 is responsible for an  
6 infraction and is required to pay a penalty of one hundred dollars (\$100.00). A 'highway  
7 work zone' is the area between the first sign that informs motorists of the existence of a  
8 work zone on a highway and the last sign that informs motorists of the end of the work  
9 zone. This subsection applies only if a sign posted at the beginning of the highway work  
10 zone states the penalty for speeding in the work zone.

11 ~~(k) The maximum speed limit on any public highway within the State of North~~  
12 ~~Carolina shall not exceed 55 miles per hour except for those portions of the Interstate~~  
13 ~~Highway System where the Department of Transportation sets a higher speed limit~~  
14 ~~pursuant to subdivision (d)(2) of this section.~~

15 (l) Notwithstanding any other provision contained in G.S. 20-141 or any other  
16 statute or law of this State, including municipal charters, any speed limit on any portion  
17 of the public highways within the jurisdiction of this State shall be uniformly applicable  
18 to all types of motor vehicles using such portion of the highway, if on November 1, 1973,  
19 such portion of the highway had a speed limit which was uniformly applicable to all  
20 types of motor vehicles using it. Provided, however, that a lower speed limit may be  
21 established for any vehicle operating under a special permit because of any weight or  
22 dimension of such vehicle, including any load thereon. The requirement for a uniform  
23 speed limit hereunder shall not apply to any portion of the highway during such time as  
24 the condition of the highway, weather, an accident, or other condition creates a temporary  
25 hazard to the safety of traffic on such portion of the highway.

26 (m) The fact that the speed of a vehicle is lower than the foregoing limits shall not  
27 relieve the operator of a vehicle from the duty to decrease speed as may be necessary to  
28 avoid colliding with any person, vehicle or other conveyance on or entering the highway,  
29 and to avoid injury to any person or property.

30 (n) Notwithstanding any other provision contained in G.S. 20-141 or any other  
31 statute or law of this State, the failure of a motorist to stop his vehicle within the radius of  
32 its headlights or the range of his vision shall not be held negligence per se or contributory  
33 negligence per se."

34 Sec. 2. G.S. 20-16.1(a) reads as rewritten:

35 "(a) Notwithstanding any other provisions of this Article, the Division shall  
36 suspend for a period of 30 days the license of any driver without preliminary hearing on  
37 receiving a record of ~~such~~ the driver's conviction of either (i) exceeding by more than 15  
38 miles per hour the speed limit, either within or outside the corporate limits of a  
39 municipality, if ~~such~~ the person was also driving at a speed in excess of 55 miles per hour  
40 at the time of the ~~offense~~ offense, or (ii) driving at a speed in excess of 79 miles per hour  
41 at the time of the offense."

42 Sec. 3. This act becomes effective October 1, 1996.