

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

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HOUSE BILL 147  
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Short Title: Left Turn on Red.

(Public)

Sponsors:

Referred to:

February 27, 2003

A BILL TO BE ENTITLED

AN ACT TO CLARIFY WHEN A PEDESTRIAN HAS THE RIGHT-OF-WAY, TO INCREASE THE PENALTY AND DRIVERS LICENSE POINTS ASSESSED FOR FAILING TO YIELD THE RIGHT-OF-WAY TO A PEDESTRIAN; AND TO STUDY PEDESTRIAN ACCIDENTS WHERE VEHICLES ARE TURNING RIGHT AT A RED LIGHT.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 20-158(b) reads as rewritten:

"(b) Control of Vehicles at Intersections. –

(1) When a stop sign has been erected or installed at an intersection, it shall be unlawful for the driver of any vehicle to fail to stop in obedience thereto and yield the right-of-way to vehicles operating on the designated main-traveled or through highway. When stop signs have been erected at three or more entrances to an intersection, the driver, after stopping in obedience thereto, may proceed with caution.

(2) ~~Vehicles facing a red light controlling traffic passing straight through an intersection from a steady or strobe beam stoplight shall not enter the intersection while the steady or strobe beam stoplight is emitting a red light controlling traffic passing straight through an intersection; provided that, except where prohibited by an appropriate sign, vehicular traffic facing a red light controlling traffic passing straight through an intersection, after coming to a complete stop at the intersection, may enter the intersection to make a right turn but such vehicle shall yield the right of way to pedestrians and to other traffic using the intersection.~~

a. When a steady or strobe beam stoplight is emitting a red light controlling traffic passing through an intersection, an

1           approaching vehicle facing the red light shall come to a stop  
2           and shall not enter the intersection. After coming to a complete  
3           stop and unless prohibited by an appropriate sign, that  
4           approaching vehicle may make a right turn.

5           b. Any vehicle that turns right under this subdivision shall yield  
6           the right-of-way to:

7               1. Other traffic and pedestrians using the intersection; and

8               2. Pedestrians who are moving towards the intersection,  
9               who are in reasonably close proximity to the intersection,  
10              and who are preparing to cross in front of the traffic that  
11              is required to stop at the red light.

12           c. Failure to yield to a pedestrian under this subdivision shall be  
13           an infraction, and the court may assess a penalty of not more  
14           than one thousand dollars (\$1,000) but not less than one  
15           hundred dollars (\$100.00).

16           (2a) ~~When the a~~ stoplight is emitting a steady yellow circular light on a  
17           traffic signal controlling traffic passing straight through an intersection  
18           or a steady yellow arrow light on a traffic signal controlling traffic  
19           turning at an intersection, vehicles facing the yellow light are warned  
20           that the related green light is being terminated or a red light will be  
21           immediately forthcoming. When the stoplight is emitting a steady  
22           green light, vehicles may proceed with due care through the  
23           intersection subject to the rights of pedestrians and other vehicles as  
24           may otherwise be provided by law.

25           (3) When a flashing red light has been erected or installed at an  
26           intersection, approaching vehicles facing the red light shall stop and  
27           yield the right-of-way to vehicles in or approaching the intersection.  
28           The right to proceed shall be subject to the rules applicable to making  
29           a stop at a stop sign.

30           (4) When a flashing yellow light has been erected or installed at an  
31           intersection, approaching vehicles facing the yellow flashing light may  
32           proceed through the intersection with caution, yielding the  
33           right-of-way to vehicles in or approaching the intersection.

34           (5) When a stop sign, stoplight, flashing light, or other traffic-control  
35           device authorized by subsection (a) of this section requires a vehicle to  
36           stop at an intersection, the driver shall stop (i) at an appropriately  
37           marked stop line, or if none, (ii) before entering a marked crosswalk,  
38           or if none, (iii) before entering the intersection at the point nearest the  
39           intersecting street where the driver has a view of approaching traffic  
40           on the intersecting street."

41           **SECTION 2.** G.S. 20-16(c) reads as rewritten:

42           "(c) The Division shall maintain a record of convictions of every person licensed  
43           or required to be licensed under the provisions of this Article as an operator and shall  
44           enter therein records of all convictions of such persons for any violation of the motor

1 vehicle laws of this State and shall assign to the record of such person, as of the date of  
2 commission of the offense, a number of points for every such conviction in accordance  
3 with the following schedule of convictions and points, except that points shall not be  
4 assessed for convictions resulting in suspensions or revocations under other provisions  
5 of laws: Further, any points heretofore charged for violation of the motor vehicle  
6 inspection laws shall not be considered by the Division of Motor Vehicles as a basis for  
7 suspension or revocation of driver's license:

8 Schedule of Point Values

9 Passing stopped school bus .....5  
10 Reckless driving .....4  
11 Hit and run, property damage only .....4  
12 Following too close .....4  
13 Driving on wrong side of road .....4  
14 Illegal passing .....4  
15 Failure to yield right-of-way to pedestrian  
16 pursuant to G.S. 20-158(b)(2) .....4  
17 Running through stop sign .....3  
18 Speeding in excess of 55 miles per hour .....3  
19 Failing to yield right-of-way .....3  
20 Running through red light .....3  
21 No driver's license or license expired more than one year .....3  
22 Failure to stop for siren .....3  
23 Driving through safety zone .....3  
24 No liability insurance .....3  
25 Failure to report accident where such report is required .....3  
26 Speeding in a school zone in excess of the posted school  
27 zone speed limit .....3  
28 Failure to properly restrain a child in a restraint or seat belt .....2  
29 All other moving violations .....2  
30 Littering pursuant to G.S. 14-399 when the littering  
31 involves the use of a motor vehicle .....1

32 Schedule of Point Values for Violations While Operating a Commercial  
33 Motor Vehicle

34 Passing stopped school bus .....8  
35 Rail-highway crossing violation .....6  
36 Careless and reckless driving in violation of  
37 G.S. 20-140(f) .....6  
38 Speeding in violation of G.S. 20-141(j3) .....6  
39 Reckless driving .....5  
40 Hit and run, property damage only .....5  
41 Following too close .....5  
42 Driving on wrong side of road .....5  
43 Illegal passing .....5  
44 Failure to yield right-of-way to pedestrian

1 pursuant to G.S. 20-158(b)(2) .....5  
2 Running through stop sign .....4  
3 Speeding in excess of 55 miles per hour .....4  
4 Failing to yield right-of-way .....4  
5 Running through red light .....4  
6 No driver's license or license expired more than one year .....4  
7 Failure to stop for siren .....4  
8 Driving through safety zone .....4  
9 No liability insurance .....4  
10 Failure to report accident where such report is required .....4  
11 Speeding in a school zone in excess of the posted school  
12 zone speed limit .....4  
13 Possessing alcoholic beverages in the passenger area of  
14 a commercial motor vehicle .....4  
15 All other moving violations .....3  
16 Littering pursuant to G.S. 14-399 when the littering  
17 involves the use of a motor vehicle .....1

18 The above provisions of this subsection shall only apply to violations and  
19 convictions which take place within the State of North Carolina. The Schedule of Point  
20 Values for Violations While Operating a Commercial Motor Vehicle shall not apply to  
21 any commercial motor vehicle known as an "aerial lift truck" having a hydraulic arm  
22 and bucket station, and to any commercial motor vehicle known as a "line truck" having  
23 a hydraulic lift for cable, if the vehicle is owned, operated by or under contract to a  
24 public utility, electric or telephone membership corporation or municipality and used in  
25 connection with installation, restoration or maintenance of utility services.

26 No points shall be assessed for conviction of the following offenses:

- 27 Overloads
- 28 Over length
- 29 Over width
- 30 Over height
- 31 Illegal parking
- 32 Carrying concealed weapon
- 33 Improper plates
- 34 Improper registration
- 35 Improper muffler
- 36 Improper display of license plates or dealers' tags
- 37 Unlawful display of emblems and insignia
- 38 Failure to display current inspection certificate.

39 In case of the conviction of a licensee of two or more traffic offenses committed on a  
40 single occasion, such licensee shall be assessed points for one offense only and if the  
41 offenses involved have a different point value, such licensee shall be assessed for the  
42 offense having the greater point value.

43 Upon the restoration of the license or driving privilege of such person whose license  
44 or driving privilege has been suspended or revoked because of conviction for a traffic

1 offense, any points that might previously have been accumulated in the driver's record  
2 shall be cancelled.

3 Whenever any licensee accumulates as many as seven points or accumulates as  
4 many as four points during a three-year period immediately following reinstatement of  
5 his license after a period of suspension or revocation, the Division may request the  
6 licensee to attend a conference regarding such licensee's driving record. The Division  
7 may also afford any licensee who has accumulated as many as seven points or any  
8 licensee who has accumulated as many as four points within a three-year period  
9 immediately following reinstatement of his license after a period of suspension or  
10 revocation an opportunity to attend a driver improvement clinic operated by the  
11 Division and, upon the successful completion of the course taken at the clinic, three  
12 points shall be deducted from the licensee's conviction record; provided, that only one  
13 deduction of points shall be made on behalf of any licensee within any five-year period.

14 When a license is suspended under the point system provided for herein, the first  
15 such suspension shall be for not more than 60 days; the second such suspension shall  
16 not exceed six months and any subsequent suspension shall not exceed one year.

17 Whenever the driver's license of any person is subject to suspension under this  
18 subsection and at the same time also subject to suspension or revocation under other  
19 provisions of laws, such suspensions or revocations shall run concurrently.

20 In the discretion of the Division, a period of probation not to exceed one year may  
21 be substituted for suspension or for any unexpired period of suspension under  
22 subsections (a)(1) through (a)(10a) of this section. Any violation of probation during the  
23 probation period shall result in a suspension for the unexpired remainder of the  
24 suspension period. Any accumulation of three or more points under this subsection  
25 during a period of probation shall constitute a violation of the condition of probation."

26 **SECTION 3.** The North Carolina Rate Bureau shall assign no more than one  
27 insurance point under the Safe Driver Incentive Plan for persons who fail to yield to a  
28 pedestrian under G.S. 20-158(b)(2).

29 **SECTION 4.** The Department of Transportation shall collect data regarding  
30 pedestrians who are involved in accidents at intersections because of a driver's failure to  
31 yield the right-of-way while turning right at a red light. The data shall include  
32 information regarding the number of disabled pedestrians, including individuals with  
33 visual or mobility-related disabilities, who are involved in right turn on red accidents.  
34 The Department shall report the data annually to the Joint Legislative Transportation  
35 Oversight Committee beginning January 1, 2005. The Transportation Oversight  
36 Committee shall make recommendations to the 2006 Regular Session of the 2005  
37 General Assembly regarding the appropriate number of drivers license points that  
38 should be assessed against a driver who fails to yield to a pedestrian while turning right  
39 at a red light.

40 The Transportation Oversight Committee may study whether to allow  
41 vehicles to make a left turn on a red light. If the Committee studies the issue of left turn  
42 on red, it shall consult with representatives of disabled individuals and shall take into  
43 consideration any increased risk to pedestrians that allowing left turn on red may create.

1           **SECTION 5.** The Department of Transportation, as part of any regularly  
2 scheduled updates, shall revise the written portion of the drivers license examination  
3 and any publications related to obtaining a drivers license to reflect the changes in  
4 Sections 1 and 2 of this act.

5           **SECTION 6.** The Department of Transportation, counties, and  
6 municipalities are encouraged to provide public service announcements on television  
7 and radio informing the public of the provisions of this act. The public service  
8 announcements should be scheduled to occur during times most likely to reach a broad  
9 audience.

10          **SECTION 7.** This act becomes effective December 1, 2003. Sections 2 and  
11 3 of this act expire July 1, 2006.