

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009**

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HOUSE DRH50304-MA-306A* (3/11)

Short Title: Remove Controlled Access Highway Restriction.

(Public)

Sponsors: Representative Spear.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ALLOW THE OPERATION OF OVERSIZED SELF-PROPELLED FARM EQUIPMENT, NOT EXCEEDING TWENTY-FIVE FEET, ON HIGHWAYS THAT ARE FULLY CONTROLLED ACCESS HIGHWAYS.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-116(j) reads as rewritten:

"(j) Nothing in this section shall be construed to prevent the operation of self-propelled grain combines or other farm equipment self-propelled, pulled, or otherwise, not exceeding 25 feet in width on any highway, except a highway ~~or section of highway that is a fully controlled access highway or that~~ is a part of the National System of Interstate and Defense Highways. Farm equipment includes a vehicle that is designed exclusively to transport compressed seed cotton from a farm to a gin and has a self-loading bed. Combines or equipment which exceed 10 feet in width may be operated only if they meet all of the conditions listed in this subsection. A violation of one or more of these conditions does not constitute negligence per se.

- (1) The equipment may only be operated during daylight hours.
- (2) The equipment must display a red flag on front and rear ends. The flags shall not be smaller than three feet wide and four feet long. The flags shall be attached to a stick, pole, staff, etc., not less than four feet long and they shall be attached to the equipment as to be visible from both directions at all times while being operated on the public highway for not less than 300 feet.
- (3) Equipment covered by this section, which by necessity must travel more than 10 miles or where by nature of the terrain or obstacles the flags referred to in subdivision (2) of this subsection are not visible from both directions for 300 feet at any point along the proposed route, must be preceded at a distance of 300 feet and followed at a distance of 300 feet by a flagman in a vehicle having mounted thereon an appropriate warning light or flag. No flagman in a vehicle shall be required pursuant to this subdivision if the equipment is being moved under its own power or on a trailer from any field to another field, or from the normal place of storage of the vehicle to any field, for no more than ten miles and if visible from both directions for 300 feet at any point along the proposed route.
- (4) Every piece of equipment so operated shall operate to the right of the center line when meeting traffic coming from the opposite direction and at all other times when possible and practical.
- (5) Repealed by Session Laws 2008-221, s. 6, effective September 1, 2008.



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- 1 (6) When the equipment is causing a delay in traffic, the operator of the
2 equipment shall move the equipment off the paved portion of the highway at
3 the nearest practical location until the vehicles following the equipment have
4 passed.
5 (7) The equipment shall be operated in the designed transport position that
6 minimizes equipment width. No removal of equipment or appurtenances is
7 required under this subdivision."
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SECTION 2. This act becomes effective October 1, 2009.