

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2001

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SENATE BILL 438
Judiciary I Committee Substitute Adopted 6/13/01
Finance Committee Substitute Adopted 7/18/01
House Committee Substitute Favorable 8/21/01

Short Title: Clarify Public Vehicular Area.

(Public)

Sponsors:

Referred to:

March 13, 2001

A BILL TO BE ENTITLED

AN ACT TO ALLOW PRIVATE PROPERTY TO BE DESIGNATED AS A PUBLIC
VEHICULAR AREA BY THE PRIVATE PROPERTY OWNER.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-4.01(32) reads as rewritten:

"(32) Public Vehicular Area. – Any area within the State of North Carolina
that ~~is generally~~ meets one or more of the following requirements:

a. The area is generally open to and used by the public for
vehicular traffic, including by way of illustration and not
limitation any drive, driveway, road, roadway, street, alley, or
parking lot upon the grounds and premises ~~of~~ of any of the
following:

~~a.1.~~ 1. Any public or private hospital, college, university,
school, orphanage, church, or any of the institutions,
parks or other facilities maintained and supported by the
State of North Carolina or any of its ~~subdivisions;~~
~~or~~ subdivisions.

~~b.2.~~ 2. Any service station, drive-in theater, supermarket, store,
restaurant, or office building, or any other business,
residential, or municipal establishment providing parking
space for customers, patrons, or the ~~public;~~ ~~or~~ public.

~~e.3.~~ 3. Any property owned by the United States and subject to
the jurisdiction of the State of North Carolina. (The
inclusion of property owned by the United States in this
definition shall not limit assimilation of North Carolina
law when applicable under the provisions of Title 18,
United States Code, section 13).

1 **b.** ~~The term "public vehicular area" shall also include any~~ The
2 ~~area is a beach area used by the public for vehicular traffic as~~
3 ~~well as any traffic.~~

4 **c.** The area is a road opened to vehicular traffic within or leading
5 to a subdivision for use by subdivision residents, their guests,
6 and members of the public, whether or not the subdivision roads
7 have been offered for dedication to the public. The term "public
8 ~~vehicular area" shall not be construed to mean any private~~
9 ~~property not generally open to and used by the public.~~

10 **d.** The area is a portion of private property used for vehicular
11 traffic and designated by the private property owner as a public
12 vehicular area in accordance with G.S. 20-219.4."

13 **SECTION 2.** Article 7 of Chapter 20 of the General Statutes is amended by
14 adding a new section to read:

15 **"§ 20-219.4. Public vehicular area designated.**

16 **(a)** Any area of private property used for vehicular traffic may be designated by
17 the property owner as a public vehicular area by registering the area with the
18 Department of Transportation and by erecting signs identifying the area as a public
19 vehicular area in conformity with rules adopted by the Department of Transportation.

20 **(b)** The Department of Transportation shall serve as a registry for registrations of
21 public vehicular areas permitted under this section. The Department shall adopt rules for
22 registration requirements and procedures. The Department shall also adopt rules
23 governing the size and locations of signs designating public vehicular areas by private
24 property owners in accordance with this section. These rules shall ensure that signs
25 erected pursuant to this provision shall be placed so as to provide reasonable notice to
26 motorists.

27 **(c)** The Department shall charge a fee not to exceed five hundred dollars
28 (\$500.00) per registration request authorized by this section. The Department may also
29 charge the reasonable cost for furnishing a certified copy of a registration when
30 requested. Funds collected under this subsection shall be used to cover the cost of
31 maintaining the registry."

32 **SECTION 3.** G.S. 136-91(b) reads as rewritten:

33 **"(b)** As used in this section:

34 **(1)** "Highway" shall be defined as it is in Article 3 of Chapter 20; G.S. 20-
35 4.01; and

36 **(2)** "Public vehicular area" shall be defined as any driveway, roadway,
37 parking lot, or other public or private area open to the public, or a
38 segment of the public, for vehicular traffic or parking. it is in G.S. 20-
39 4.01."

40 **SECTION 4.** This act becomes effective December 1, 2001, and applies to
41 offenses committed on or after that date.