

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2009

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HOUSE DRH50323-MA-300A* (3/11)

Short Title: Modify Speed Zone Restrictions.

(Public)

Sponsors: Representative Martin.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PREVENT SPEED LIMITS IN AREAS NEWLY ANNEXED BY A
3 MUNICIPALITY FROM AUTOMATICALLY BECOMING THIRTY-FIVE
4 MILE-PER-HOUR SPEED ZONES AND TO ALLOW FLEXIBILITY IN THE
5 LOCATION OF WORK ZONE SIGNAGE.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** G.S. 20-141(f) reads as rewritten:

8 "(f) Whenever local authorities within their respective jurisdictions determine upon the
9 basis of an engineering and traffic investigation that a higher maximum speed than those set
10 forth in subsection (b) is reasonable and safe, or that any speed hereinbefore set forth is greater
11 than is reasonable and safe, under the conditions found to exist upon any part of a street within
12 the corporate limits of a municipality and which street is a part of the State highway system
13 (except those highways designated as part of the interstate highway system or other
14 controlled-access highway) said local authorities shall determine and declare a safe and
15 reasonable speed limit. A speed limit set pursuant to this subsection may not exceed 55 miles
16 per hour. Limits set pursuant to this subsection shall become effective when the Department of
17 Transportation has passed a concurring ordinance and signs are erected giving notice of the
18 authorized speed limit.

19 When local authorities annex a road on the State highway system, the speed limit posted on
20 the road at the time the road was annexed shall remain in effect until both the Department and
21 municipality pass concurrent ordinances to change the speed limit.

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

28 **SECTION 2.** G.S. 20-141(j2) reads as rewritten:

29 "(j2) A person who drives a motor vehicle in a highway work zone at a speed greater than
30 the speed limit set and posted under this section shall be required to pay a penalty of two
31 hundred fifty dollars (\$250.00). This penalty shall be imposed in addition to those penalties
32 established in this Chapter. A "highway work zone" is the area between the first sign that
33 informs motorists of the existence of a work zone on a highway and the last sign that informs
34 motorists of the end of the work zone. This subsection applies only if a sign posted ~~at the~~
35 ~~beginning of the~~ in the highway work zone states the penalty for speeding in the work zone.



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1 The Secretary shall ensure that work zones shall only be posted with penalty signs if the
2 Secretary determines, after engineering review, that the posting is necessary to ensure the
3 safety of the traveling public due to a hazardous condition.

4 A law enforcement officer issuing a citation for a violation of this section while in a
5 highway work zone shall indicate the vehicle speed and speed limit posted in the work zone.
6 Upon an individual's conviction of a violation of this section while in a highway work zone, the
7 clerk of court shall report that the vehicle was in a work zone at the time of the violation, the
8 vehicle speed, and the speed limit of the work zone to the Division of Motor Vehicles."

9 **SECTION 3.** Section 1 of this act is effective when it becomes law. Section 2 of
10 this act becomes effective December 1, 2009, and applies to offenses committed on or after that
11 date.