

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 67  
PROPOSED COMMITTEE SUBSTITUTE H67-PCS30086-BG-3

Short Title: Road Barrier Prohibition.

(Public)

Sponsors:

Referred to:

February 14, 2019

1 A BILL TO BE ENTITLED  
2 AN ACT TO EXPAND THE PROHIBITION ON THE REMOVAL, DESTRUCTION, OR  
3 DRIVING THROUGH OF ROADWAY CONSTRUCTION BARRIERS TO INCLUDE  
4 DANGEROUS ROADWAY CONDITION CLOSURE BARRIERS.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 136-26 reads as rewritten:

7 "§ 136-26. Closing of State transportation infrastructure during ~~construction~~; ~~construction~~  
8 or for dangerous conditions; driving through, removal, injury to barriers,  
9 warning signs, etc.

10 If it shall appear necessary to the Department of Transportation, its officers, or appropriate  
11 employees, to close any transportation infrastructure coming under its jurisdiction so as to permit  
12 proper completion of construction work which is being performed, or to prohibit traffic on  
13 transportation infrastructure due to damage posing a danger to public safety, the Department of  
14 Transportation, its officers or employees, may close, or cause to be closed, the whole or any  
15 portion of transportation infrastructure deemed necessary to be excluded from public travel.  
16 While any transportation infrastructure, or portion thereof, is so closed, or while any  
17 transportation infrastructure, or portion thereof, is in process of construction or maintenance, the  
18 Department of Transportation, its officers or appropriate employees, or its contractor, under  
19 authority from the Department of Transportation, may erect, or cause to be erected, suitable  
20 barriers or obstruction thereon; may post, or cause to be posted, conspicuous notices to the effect  
21 that the transportation infrastructure, or portion thereof, is closed; and may place warning signs,  
22 lights and lanterns on transportation infrastructure, or portions thereof. When infrastructure is  
23 closed to the public ~~or in process of construction or maintenance,~~ as provided herein, any person  
24 who willfully drives ~~into new construction work, breaks down, onto~~ transportation infrastructure  
25 closed pursuant to this section or removes, injures or destroys any such barrier or barriers or  
26 obstructions on the road closed or being constructed, or tears down, removes or destroys any  
27 such notices, or extinguishes, removes, injures or destroys any such warning lights-signs, lights,  
28 or lanterns so erected, ~~posted or placed,~~ posted, or placed pursuant to this section, shall be guilty  
29 of a Class 1 misdemeanor.

30 This prohibition does not apply to law enforcement, first responders, personnel of emergency  
31 management agencies, or Department of Transportation personnel acting in the course of, and  
32 within the scope of, their official duties; or personnel acting in the course of, and within the scope  
33 of, installation, restoration or maintenance of utility services in coordination with the Department  
34 of Transportation."

35 SECTION 2. This act becomes effective December 1, 2019, and applies to offenses  
36 committed on or after that date.



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