



HOUSE BILL 917: Emergency Declaration/Clarify Rd Closure.

2019-2020 General Assembly

Committee:		Date:	December 17, 2019
Introduced by:		Prepared by:	Howard Marsilio Staff Attorney
Analysis of:	S.L. 2019-89		

OVERVIEW: *S.L. 2019-89 clarifies that a local declaration of emergency includes the authority to close roads and public vehicular areas to the public within the emergency area during the emergency.*

This act became effective July 8, 2019.

CURRENT LAW: Municipalities and counties have the authority to enact ordinances with certain types of prohibitions and restrictions for an emergency area until the emergency terminates or the prohibition or restriction is terminated. Ordinances may restrict:

- Movements of people in public places, including: modes of transportation, and destinations in connection with voluntary or mandatory evacuations; and controlling ingress and egress of an emergency area, and the movement of persons within the area.
- Operation of offices, business establishments, and other places to or from which people may travel or at which they may congregate.
- Activities or conditions the control of which may be reasonably necessary to maintain order and protect lives or property during the state of emergency.

BILL ANALYSIS: This act clarifies that an ordinance enacted under this authority may provide for the closure of roads and public vehicular areas within an emergency area to persons other than emergency responders and other persons necessary for emergency recovery, and:

- Requires counties and municipalities to report road closures under these ordinances to the North Carolina Department of Transportation as soon as practicable.
- Authorizes a local ordinance to designate the authority to close roadways to the sheriff.
- Clarifies that statutory provisions related to certified persons who transport essentials in commerce, or assists in ensuring their availability, and persons who assist in the restoring of utility services apply.

EFFECTIVE DATE: This act became effective July 8, 2019.

Karen Cochrane-Brown
Director



Legislative Analysis
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