



# SENATE BILL 353: Expand Cartway Path Law.

2019-2020 General Assembly

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<b>Committee:</b>	House Regulatory Reform. If favorable, re- refer to Rules, Calendar, and Operations of the House	<b>Date:</b>	June 25, 2019
<b>Introduced by:</b>	Sens. McInnis, Gunn, Wells	<b>Prepared by:</b>	Jeremy Ray* Staff Attorney
<b>Analysis of:</b>	Second Edition		

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**OVERVIEW:** *Senate Bill 353 would authorize the establishment of a cartway of not less than 18 feet in width and not more than 30 feet in width.*

**CURRENT LAW:** Under current law, certain persons may attempt to obtain a cartway across the property of another by instituting a special proceeding in the superior court of the county where the property is located. A cartway will be granted only if:

- The person seeking the cartway is engaged in or preparing for one of the following activities on their property: cultivating land; cutting timber; working quarries, mines, or minerals; operating an industrial or manufacturing plant; or operating a public or private cemetery.
- The property is landlocked, lacking a public road or other adequate means of transportation to and from the property.
- The court determines that a cartway is necessary, reasonable, and just.

If the court determines that a cartway should be granted, it will appoint a "jury of view" comprising three disinterested property owners to lay off a cartway of not less than 18 feet in width. There currently is no maximum width for the cartway that may be established through this procedure.

**BILL ANALYSIS:** Senate Bill 353 would authorize a jury of view to lay off a cartway of not less than 18 feet in width and not more than 30 feet in width.

**EFFECTIVE DATE:** This act would become effective when it becomes law and apply to special proceedings on or after that date.

*\*Jeff Hudson and Shawn Middlebrooks, Staff Attorneys with the Legislative Analysis Division, substantially contributed to this summary.*

Karen Cochrane-Brown  
Director



Legislative Analysis  
Division  
919-733-2578