

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1947

Short Title: Oxford/ Recover Costs for Accident Clean-up. (Local)

Sponsors: Representative Crawford.

Referred to: Local Government I, if favorable, Finance.

May 25, 2010

1 A BILL TO BE ENTITLED  
2 AN ACT AUTHORIZING THE CITY OF OXFORD TO ADOPT ORDINANCES  
3 ESTABLISHING A SCHEDULE OF FEES TO RECOVER THE COSTS OF  
4 RESPONDING TO MOTOR VEHICLE ACCIDENTS AND HAZARDOUS MATERIAL  
5 INCIDENTS.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.(a)** General. – A city may by ordinance establish a schedule of fees,  
8 which may be amended from time to time, to recover from the responsible party the reasonable  
9 costs of providing services related to motor vehicle accidents, motor vehicle collisions, motor  
10 vehicle fires, motor vehicle extrications, and hazardous material spills or discharges that occur  
11 within the city's corporate limits and in areas to which the city's fire department is called by  
12 mutual aid. The ordinance may also establish other necessary regulations that are consistent  
13 with and supplemental to any provision of general law related to a fire department's response to  
14 a motor vehicle accident. The ordinance shall require that the fire department keep a detailed  
15 record of the costs attributable to an accident or incident covered by this section and that the  
16 city submit, directly or through its agent, an invoice to the responsible party or the responsible  
17 party's insurance company within 45 days following the accident or incident detailing the costs  
18 for which the responsible party is liable. The authority to recover costs under this section shall  
19 not include costs incurred for actual fire suppression service which is normally or usually  
20 provided within the city's corporate limits by the city's fire department. An ordinance adopted  
21 under this section may be enforced by civil action in a court of competent jurisdiction for the  
22 collection of any amount due, including administrative collection costs and attorneys' fees.

23 **SECTION 1.(b)** Public Hearing. – Prior to adopting an ordinance authorized by  
24 subsection (a) of this section, the city council shall hold a public hearing on the question of the  
25 need for cost recovery and the proposed schedule of fees. Notice of the public hearing shall be  
26 given by publication once a week for at least two successive weeks prior to the date of the  
27 public hearing in a newspaper having general circulation in the city. If, following the public  
28 hearing, the city council finds that to promote public safety and welfare, it is necessary to  
29 ensure the provision of adequate and continuing fire department response service to motor  
30 vehicle accidents and hazardous material incidents, the city council may adopt an ordinance as  
31 provided in subsection (a) of this section.

32 **SECTION 1.(c)** Definitions. – Unless otherwise provided, the following  
33 definitions shall apply in this section:

- 34 (1) Costs. – All reasonable and necessary expenses that are incurred by a city  
35 fire department in connection with its response to: (1) a motor vehicle  
36 accident, motor vehicle collision, motor vehicle fire, motor vehicle  
37 extrication, and cause and origin investigation; and (2) the mitigation or



- 1                   clean-up of a hazardous material or the investigation of a hazardous
- 2                   materials incident.
- 3           (2)   Hazardous material. – A substance or material that the United States
- 4                   Secretary of Transportation has determined is capable of posing an
- 5                   unreasonable risk to health, safety, and property when transported in
- 6                   commerce, and has designated as hazardous under section 5103 of federal
- 7                   hazardous materials transportation law (49 U.S.C. § 5103). The term
- 8                   includes hazardous substances, hazardous wastes, marine pollutants,
- 9                   elevated temperature materials, materials designated as hazardous in the
- 10                   Hazardous Materials Table (49 C.F.R. § 172.101), and materials that meet
- 11                   the defining criteria for hazard classes and divisions in 49 C.F.R. § 173.
- 12           (3)   Responsible party. – Any person whose negligent or willful act is the cause
- 13                   of any motor vehicle accident, motor vehicle collision, or motor vehicle fire;
- 14                   any person who is the owner of or has custody and control over any vehicle
- 15                   involved in a motor vehicle accident, motor vehicle collision, or motor
- 16                   vehicle fire; and any person who is directly or indirectly responsible for the
- 17                   release or discharge of any hazardous material."

18           **SECTION 2.** This act applies to the City of Oxford only.

19           **SECTION 3.** This act becomes effective October 1, 2010, and applies to motor  
20 vehicle accidents, motor vehicle collisions, motor vehicle fires, motor vehicle extractions, and  
21 hazardous material spills or discharges that occur on or after that date.

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