

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 1132
HOUSE BILL 1633

AN ACT TO AMEND G.S. 20-28 PERTAINING TO MOTOR VEHICLE DRIVER'S
LICENSE REVOCATIONS.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-28 as same appears in the Cumulative Supplement to Volume 1C of the General Statutes of North Carolina is hereby amended by inserting the following sentence immediately after the period following the word "period" and immediately before the word "Any" appearing in line eight of the second unnumbered paragraph thereof: "If the judge and solicitor hearing said case are not reasonably available to make or refuse such recommendation, then the judge and solicitor presiding and serving over the court of conviction may make the recommendation." G.S. 20-28 is further amended by striking the last sentence of the second unnumbered paragraph. After amendment, the second unnumbered paragraph of G.S. 20-28 will read as follows:

"Notwithstanding any other provisions of this section, in those cases of conviction of the offense provided in this section in which the judge and solicitor of the court wherein a conviction for violation of this section was obtained recommend in writing to the Department that the Department examine into the facts of the case and exercise discretion in suspending or revoking the driver's license for the additional periods provided by this section, the Department shall conduct a hearing and may impose a lesser period of additional suspension or revocation than that provided in this section or may refrain from imposing any additional period. If the judge and solicitor hearing said case are not reasonably available to make or refuse such recommendation, then the judge and solicitor presiding and serving over the court of conviction may make the recommendation."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 3rd day of April, 1974.