

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1989

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SENATE BILL 1626

Short Title: Subclassification Plan-Speeding.

(Public)

Sponsors: Senator Johnson of Cabarrus.

Referred to: Judiciary I.

July 19, 1990

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT NO INSURANCE POINTS AND NO SURCHARGES MAY BE ASSESSED FOR CERTAIN SPEEDING OFFENSES OVER SIXTY-FIVE MILES PER HOUR.

The General Assembly of North Carolina enacts:

Section 1. G.S. 58-36-75(c) reads as rewritten:

"(c) The subclassification plan promulgated pursuant to G.S. 58-36-65(b) shall provide for facility recoupment surcharges pursuant to G.S. 58-37-40(f) and G.S. 58-37-75, in addition to premium surcharges, for convictions for the following moving traffic violations:

General Statute	Description of Offense
20-12.1	Being impaired while accompanying a permittee who is learning to drive
20-28	Driving while license is suspended or revoked
20-138.1	Driving a vehicle while impaired
20-138.3	Driving by provisional licensee after consuming alcohol or drugs
20-140(a)	Driving carelessly and heedlessly in willful or wanton disregard of the rights of others
20-140(b)	Driving without due caution in a manner so as to endanger other people or property

1	20-141(a)	Only driving at least 11 miles per hour
2		over the posted speed limit <del>or driving in</del>
3		<del>excess of the speed limit established by</del>
4		<del>the State Department of Transportation</del>
5		<del>under G.S. 20-141(d)(2)</del>
6	20-141(j)	Driving in excess of 55 mph and at least
7		15 mph over legal limit, while fleeing or
8		attempting to elude arrest by a law
9		enforcement officer
10	20-141(j1)	Driving more than 15 mph over legal
11		limit
12	20-141.1	Speeding in a school zone
13	20-141.3(a)	Engaging in prearranged speed
14		competition with another motor vehicle
15	20-141.3(b)	Willfully engaging in speed competition
16		with another motor vehicle (not
17		prearranged)
18	20-141.3(c)	Allowing or authorizing others to use
19		one's motor vehicle in prearranged speed
20		competition or placing or receiving a bet
21		or wager on a prearranged speed
22		competition
23	20-141.4(a1)	Death by vehicle (unintentionally
24		causing death of another while engaged
25		in impaired driving)
26	20-141.4(a2)	Death by vehicle (unintentionally
27		causing death of another as a result of a
28		violation of motor vehicle law intended
29		to regulate traffic or used to control
30		operation of a vehicle)
31	20-166(a)	Failure to stop by driver who knew or
32		should have known he was involved in
33		accident and that accident caused death
34		or injury to any person
35	20-166(c)	Failure of driver involved in accident
36		causing property damage or personal
37		injury or death (if driver did not know of
38		injury or death) to stop at scene of
39		accident
40	20-175.2	Failure to yield right-of-way to blind
41		person at crossings, intersections, and
42		traffic control signal points
43	20-217	Failure to stop and remain stopped when
44		approaching a stopped school bus

1 engaged in receiving or discharging  
2 passengers and while bus has mechanical  
3 stop signal displayed  
4 14-18 Voluntary manslaughter  
5 14-18 Involuntary manslaughter."

6 Sec. 2. G.S. 58-36-75 (f) reads as rewritten:

7 "(f) The subclassification plan shall provide that with respect to a conviction for a  
8 'violation of speeding 10 miles per hour or less over the speed limit' there shall be no  
9 premium surcharge nor any assessment of points unless there is a driving record  
10 consisting of a conviction or convictions for a moving traffic violation or violations,  
11 except for a prayer for judgment continued for any moving traffic violation, during the  
12 three years immediately preceding the date of application or the preparation of the  
13 renewal. The subclassification plan shall also provide that with respect to a prayer for  
14 judgment continued for any moving traffic violation, there shall be no premium  
15 surcharge nor any assessment of points unless the vehicle owner, principal operator, or  
16 any licensed operator in the owner's household has a driving record consisting of a  
17 prayer or prayers for judgment continued for any moving traffic violation or violations  
18 during the three years immediately preceding the date of application or the preparation  
19 of the renewal. For the purpose of this subsection, a 'prayer for judgment continued'  
20 means a determination of guilt by a jury or a court though no sentence has been  
21 imposed. For the purpose of this subsection, a 'violation of speeding 10 miles per hour  
22 or less over the speed limit' does not include the offense of speeding in a school zone in  
23 excess of the posted school zone speed limit nor any offense of speeding in excess of 65  
24 miles per hour limit."

25 Sec. 3. This act is effective upon ratification.