

GENERAL ASSEMBLY OF NORTH CAROLINA  
1991 SESSION

CHAPTER 509  
HOUSE BILL 987

AN ACT TO CLARIFY THAT A PERSON MUST BE CONVICTED OF A DRIVING OFFENSE THAT OCCURRED DURING THE PERIOD OF SUSPENSION BEFORE A SUSPENSION MAY BE LENGTHENED BASED ON THAT CONVICTION.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-28.1(c) reads as rewritten:

"(c) Any person whose driving privilege has been suspended or revoked under this section for 12 months may apply for a license after 90 days; any person whose license has been suspended or revoked under this section for two years may apply for a license after 12 months; any person whose license has been suspended or revoked under this section permanently may apply for a license after three years. Upon the filing of such application the Division may, with or without a hearing, issue a new license upon satisfactory proof that the former licensee has not been convicted within the suspension or revocation period of a ~~violation of any provision of the motor vehicle laws, motor vehicle offense, or a violation of the~~ alcoholic beverages laws, or drug laws of North Carolina or any other ~~state.~~ state that occurred during the period of suspension or revocation. The new license may be issued upon such terms and conditions which the Division may see fit to impose for the balance of the suspension or revocation period. When the suspension or revocation period is permanent, the terms and conditions imposed by the Division may not exceed three years."

Sec. 2. G.S. 20-28(a) reads as rewritten:

"(a) Any person whose driver's license has been suspended or revoked other than permanently, as provided in this Chapter, who shall drive any motor vehicle upon the highways of the State while such license is suspended or revoked shall be guilty of a misdemeanor and his license shall be suspended or revoked, as the case may be, for an additional period of one year for the first offense, two years for the second offense, and permanently for a third or subsequent offense.

Provided, however, any person whose license has been suspended or revoked under this section for 12 months may apply for a license after 90 days; any person whose license has been suspended or revoked under this section for two years may apply for a license after 12 months; any person whose license has been suspended or revoked under this section permanently may apply for a license after three years. Upon the filing of such application the Division may, with or without a hearing, issue a new license upon satisfactory proof that the former licensee has not been convicted within the suspension or revocation period of a ~~violation of any provision of the motor vehicle laws, motor~~

vehicle offense, or a violation of the alcoholic beverages laws or drug laws of North Carolina or any other state-state that occurred during the period of suspension or revocation. The new license may be issued upon such terms and conditions as the Division may see fit to impose for the balance of the suspension or revocation period. When the suspension or revocation period is permanent the terms and conditions imposed by the Division may not exceed three years.

Upon conviction, a violator of this section shall be punished by a fine of not less than two hundred dollars (\$200.00) or imprisonment in the discretion of the court not to exceed two years, or both; provided, however, the restoree of a suspended or revoked driver's license who operates a motor vehicle upon the streets or highways of the State without maintaining financial responsibility as provided by law shall be punished as for operating without a driver's license."

Sec. 3. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 2nd day of July, 1991.

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James C. Gardner  
President of the Senate

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Daniel Blue, Jr.  
Speaker of the House of Representatives