

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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HOUSE BILL 1458

Short Title: No Points for Certain Out-of-State Viol. (Public)

Sponsors: Representatives Tillis, Holloway, Crawford, Faison (Primary Sponsors);
Blackwood, Boylan, Brown, Current, Frye, J. Harrell, Hilton, Killian,
Lewis, Moore, Steen, Tarleton, Thomas, and Wray.

Referred to: Insurance, if favorable, Judiciary II.

April 16, 2007

A BILL TO BE ENTITLED
AN ACT TO ELIMINATE THE ASSIGNMENT OF ANY INSURANCE
SURCHARGE POINTS FOR OUT-OF-STATE VIOLATIONS OF MOTOR
VEHICLE LAWS THAT HAVE NO EQUIVALENT CHARGE IN THIS STATE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 20-16(c) reads as rewritten:

"§ 20-16. Authority of Division to suspend license.

...
(c) The Division shall maintain a record of convictions of every person licensed or required to be licensed under the provisions of this Article as an operator and shall enter therein records of all convictions of such persons for any violation of the motor vehicle laws of this State and shall assign to the record of such person, as of the date of commission of the offense, a number of points for every such conviction in accordance with the following schedule of convictions and points, except that points shall not be assessed for convictions resulting in suspensions or revocations under other provisions of laws: Further, any points heretofore charged for violation of the motor vehicle inspection laws shall not be considered by the Division of Motor Vehicles as a basis for suspension or revocation of driver's license:

Schedule of Point Values

Passing stopped school bus.....	5
Aggressive driving.....	5
Reckless driving.....	4
Hit and run, property damage only.....	4
Following too close.....	4
Driving on wrong side of road.....	4
Illegal passing.....	4

1 Failure to yield right-of-way to pedestrian
 2 pursuant to G.S. 20-158(b)(2)b..... 4
 3 Failure to yield right-of-way to bicycle,
 4 motor scooter, or motorcycle 4
 5 Running through stop sign 3
 6 Speeding in excess of 55 miles per hour..... 3
 7 Failing to yield right-of-way 3
 8 Running through red light..... 3
 9 No driver's license or license expired more than one year 3
 10 Failure to stop for siren 3
 11 Driving through safety zone..... 3
 12 No liability insurance 3
 13 Failure to report accident where such report is required 3
 14 Speeding in a school zone in excess of the posted school
 15 zone speed limit 3
 16 Failure to properly restrain a child in a restraint or seat belt 2
 17 All other moving violations 2
 18 Littering pursuant to G.S. 14-399 when the littering
 19 involves the use of a motor vehicle..... 1

20
 21 Schedule of Point Values for Violations While Operating a Commercial
 22 Motor Vehicle

23
 24 Passing stopped school bus 8
 25 Rail-highway crossing violation 6
 26 Careless and reckless driving in violation of
 27 G.S. 20-140(f) 6
 28 Speeding in violation of G.S. 20-141(j3)..... 6
 29 Aggressive driving 6
 30 Reckless driving..... 5
 31 Hit and run, property damage only 5
 32 Following too close..... 5
 33 Driving on wrong side of road 5
 34 Illegal passing 5
 35 Failure to yield right-of-way to pedestrian
 36 pursuant to G.S. 20-158(b)(2)b..... 5
 37 Failure to yield right-of-way to bicycle,
 38 motor scooter, or motorcycle 5
 39 Running through stop sign 4
 40 Speeding in excess of 55 miles per hour..... 4
 41 Failing to yield right-of-way 4
 42 Running through red light..... 4
 43 No driver's license or license expired more than one year 4
 44 Failure to stop for siren 4

1 Driving through safety zone..... 4
 2 No liability insurance..... 4
 3 Failure to report accident where such report is required 4
 4 Speeding in a school zone in excess of the posted school
 5 zone speed limit 4
 6 Possessing alcoholic beverages in the passenger area of
 7 a commercial motor vehicle..... 4
 8 All other moving violations 3
 9 Littering pursuant to G.S. 14-399 when the littering
 10 involves the use of a motor vehicle..... 1

11
 12 The above provisions of this subsection shall only apply to violations and
 13 convictions which take place within the State of North Carolina. The Schedule of Point
 14 Values for Violations While Operating a Commercial Motor Vehicle shall not apply to
 15 any commercial motor vehicle known as an "aerial lift truck" having a hydraulic arm
 16 and bucket station, and to any commercial motor vehicle known as a "line truck" having
 17 a hydraulic lift for cable, if the vehicle is owned, operated by or under contract to a
 18 public utility, electric or telephone membership corporation or municipality and used in
 19 connection with installation, restoration or maintenance of utility services.

20 No points shall be assessed for conviction of the following offenses:

- 21
 22 Overloads
 23 Over length
 24 Over width
 25 Over height
 26 Illegal parking
 27 Carrying concealed weapon
 28 Improper plates
 29 Improper registration
 30 Improper muffler
 31 Improper display of license plates or dealers' tags
 32 Unlawful display of emblems and insignia
 33 Failure to display current inspection certificate.

34
 35 No insurance surcharge points shall be assessed for any violation reported to the
 36 Division from another state for which there is no equivalent violation of law contained
 37 in this Chapter.

38 In case of the conviction of a licensee of two or more traffic offenses committed on a
 39 single occasion, such licensee shall be assessed points for one offense only and if the
 40 offenses involved have a different point value, such licensee shall be assessed for the
 41 offense having the greater point value.

42 Upon the restoration of the license or driving privilege of such person whose license
 43 or driving privilege has been suspended or revoked because of conviction for a traffic

1 offense, any points that might previously have been accumulated in the driver's record
2 shall be cancelled.

3 Whenever any licensee accumulates as many as seven points or accumulates as
4 many as four points during a three-year period immediately following reinstatement of
5 his license after a period of suspension or revocation, the Division may request the
6 licensee to attend a conference regarding such licensee's driving record. The Division
7 may also afford any licensee who has accumulated as many as seven points or any
8 licensee who has accumulated as many as four points within a three-year period
9 immediately following reinstatement of his license after a period of suspension or
10 revocation an opportunity to attend a driver improvement clinic operated by the
11 Division and, upon the successful completion of the course taken at the clinic, three
12 points shall be deducted from the licensee's conviction record; provided, that only one
13 deduction of points shall be made on behalf of any licensee within any five-year period.

14 When a license is suspended under the point system provided for herein, the first
15 such suspension shall be for not more than 60 days; the second such suspension shall
16 not exceed six months and any subsequent suspension shall not exceed one year.

17 Whenever the driver's license of any person is subject to suspension under this
18 subsection and at the same time also subject to suspension or revocation under other
19 provisions of laws, such suspensions or revocations shall run concurrently.

20 In the discretion of the Division, a period of probation not to exceed one year may
21 be substituted for suspension or for any unexpired period of suspension under
22 subsections (a)(1) through (a)(10a) of this section. Any violation of probation during the
23 probation period shall result in a suspension for the unexpired remainder of the
24 suspension period. Any accumulation of three or more points under this subsection
25 during a period of probation shall constitute a violation of the condition of probation.

26 ..."

27 **SECTION 2.** This act is effective when it becomes law.