

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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SENATE BILL 401

Short Title: Death by Vehicle + DWI = Lifetime Revocation.

(Public)

Sponsors: Senators Odom, Forrester, and Carpenter.

Referred to: Judiciary I/Constitution

March 20, 1995

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT A PERSON WHO COMMITS THE OFFENSE OF
2 DEATH BY VEHICLE DRIVING WHILE ENGAGING IN THE OFFENSE OF
3 IMPAIRED DRIVING SHALL BE SUBJECT TO A LIFETIME DRIVERS
4 LICENSE REVOCATION.
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6 The General Assembly of North Carolina enacts:

7 Section 1. G.S. 20-17 reads as rewritten:

8 **"§ 20-17. Mandatory revocation of license by Division.**

9 The Division shall forthwith revoke the license of any driver upon receiving a record
10 of the driver's conviction for any of the following offenses:

11 (1) Manslaughter (or negligent homicide) resulting from the operation of a
12 motor vehicle.

13 (2) Either of the following impaired driving offenses:

14 a. Impaired driving under G.S. 20-138.1.

15 b. Impaired driving under G.S. 20-138.2 when the person convicted
16 did not take a chemical test at the time of the offense or the
17 person took a chemical test at the time of the offense and the test
18 revealed that the person had an alcohol concentration at any
19 relevant time after driving of less than 0.04 or of 0.08 or more.

20 (3) Any felony in the commission of which a motor vehicle is used.

- 1 (4) Failure to stop and render aid in violation of G.S. 20-166(a) or (b).
2 (5) Perjury or the making of a false affidavit or statement under oath to the
3 Division under this Article or under any other law relating to the
4 ownership of motor vehicles.
5 (6) Conviction upon two charges of reckless driving committed within a
6 period of 12 months.
7 (7) Conviction upon one charge of reckless driving while engaged in the
8 illegal transportation of intoxicants for the purpose of sale.
9 (8) Conviction of using a false or fictitious name or giving a false or
10 fictitious address in any application for a drivers license, or learner's
11 permit, or any renewal or duplicate thereof, or knowingly making a false
12 statement or knowingly concealing a material fact or otherwise
13 committing a fraud in any such application or procuring or knowingly
14 permitting or allowing another to commit any of the foregoing acts.
15 (9) Death by vehicle as defined in ~~G.S. 20-141.4~~. G.S. 20-141.4(a2).
16 (9a) Felony death by vehicle as defined in G.S. 20-141.4(a1).
17 (10) Speeding in excess of 55 miles per hour and at least 15 miles per hour
18 over the legal limit in violation of G.S. 20-141(j).
19 (11) Conviction of assault with a motor vehicle."

20 Sec. 2. G.S. 20-19 is amended by adding a new subsection to read:

21 "(i1) When a person's license is revoked under subdivision (9a) of G.S. 20-17, the
22 revocation shall be for the person's lifetime. The Division shall not conditionally restore
23 the person's license at any time."

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