

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 1347

Short Title: Drivers Points-No Child Restraint.

(Public)

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Sponsors: Senator Phillips.

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Referred to: Judiciary II.

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May 22, 2000

A BILL TO BE ENTITLED

AN ACT TO MANDATE THE ASSESSMENT OF DRIVERS LICENSE POINTS FOR  
FAILURE TO RESTRAIN A CHILD IN A MOTOR VEHICLE.

The General Assembly of North Carolina enacts:

Section 1. G.S. 20-137.1(d) reads as rewritten:

"(d) ~~No driver license points or insurance points shall be assessed for a violation of this section; nor shall a violation constitute negligence per se or contributory negligence per se nor shall it be evidence of negligence or contributory negligence.~~ A violation of this section shall have all of the following consequences:

(1) Two drivers license points shall be assessed pursuant to G.S. 20-16.

(2) No insurance points shall be assessed.

(3) The violation shall not constitute negligence per se or contributory negligence per se.

(4) The violation shall not be evidence of negligence or contributory negligence."

Section 2. G.S. 20-16(c) reads as rewritten:

"(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

1 commission of the offense, a number of points for every such conviction in accordance  
 2 with the following schedule of convictions and points, except that points shall not be  
 3 assessed for convictions resulting in suspensions or revocations under other provisions of  
 4 laws: Further, any points heretofore charged for violation of the motor vehicle inspection  
 5 laws shall not be considered by the Division of Motor Vehicles as a basis for suspension  
 6 or revocation of driver's license:

7  
 8 **SCHEDULE OF POINT VALUES**

9 Passing stopped school bus ..... 5  
 10 Reckless driving ..... 4  
 11 Hit and run, property damage only ..... 4  
 12 Following too close ..... 4  
 13 Driving on wrong side of road ..... 4  
 14 Illegal passing ..... 4  
 15 Running through stop sign ..... 3  
 16 Speeding in excess of 55 miles per hour ..... 3  
 17 Failing to yield right-of-way ..... 3  
 18 Running through red light ..... 3  
 19 No driver's license or license expired more than one year ..... 3  
 20 Failure to stop for siren ..... 3  
 21 Driving through safety zone ..... 3  
 22 No liability insurance ..... 3  
 23 Failure to report accident where such report is required ..... 3  
 24 Speeding in a school zone in excess of the posted school  
 25 zone speed limit ..... 3  
 26 Failure to properly restrain a child in a restraint or seat belt 2  
 27 All other moving violations ..... 2  
 28 Littering pursuant to G.S. 14-399 when the littering  
 29 involves the use of a motor vehicle ..... 1

30  
 31 **SCHEDULE OF POINT VALUES FOR VIOLATIONS WHILE**  
 32 **OPERATING A COMMERCIAL MOTOR VEHICLE**  
 33

34 Passing stopped school bus ..... 8  
 35 Rail-highway crossing violation ..... 6  
 36 Reckless driving ..... 5  
 37 Hit and run, property damage only ..... 5  
 38 Following too close ..... 5  
 39 Driving on wrong side of road ..... 5  
 40 Illegal passing ..... 5  
 41 Running through stop sign ..... 4  
 42 Speeding in excess of 55 miles per hour ..... 4  
 43 Failing to yield right-of-way ..... 4

1 Running through red light.....4  
 2 No driver's license or license expired more than one year.....4  
 3 Failure to stop for siren.....4  
 4 Driving through safety zone.....4  
 5 No liability insurance.....4  
 6 Failure to report accident where such report is required.....4  
 7 Speeding in a school zone in excess of the posted school  
 8 zone speed limit.....4  
 9 Possessing alcoholic beverages in the passenger area of  
 10 a commercial motor vehicle.....4  
 11 All other moving violations.....3  
 12 Littering pursuant to G.S. 14-399 when the littering  
 13 involves the use of a motor vehicle.....1  
 14

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

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

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

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

40 Upon the restoration of the license or driving privilege of such person whose license  
 41 or driving privilege has been suspended or revoked because of conviction for a traffic  
 42 offense, any points that might previously have been accumulated in the driver's record  
 43 shall be cancelled.

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

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

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

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

24       Section 3. This act becomes effective December 1, 2000.