

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 864

Short Title: Require Driver Retraining Course. (Public)

Sponsors: Representatives Shepard, Torbett, and Stevens (Primary Sponsors).
For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Transportation, if favorable, Finance, if favorable, Rules, Calendar, and
Operations of the House

April 22, 2019

A BILL TO BE ENTITLED

AN ACT TO REQUIRE THE DIVISION OF MOTOR VEHICLES TO ESTABLISH AND
CONDUCT DRIVER RETRAINING COURSES FOR PERSONS WHO HAVE HAD
THEIR DRIVERS LICENSE SUSPENDED PURSUANT TO CERTAIN LAWS.

The General Assembly of North Carolina enacts:

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

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

(a) The Division shall have authority to suspend the license of any operator with or
without a preliminary hearing upon a showing by its records or other satisfactory evidence that
the licensee:

...

(6) Has made or permitted an unlawful or fraudulent use of ~~such the~~ license or a
learner's permit, or has displayed or represented as his or her own, a license
or learner's permit not issued to ~~him~~; him or her;

...

(8b) Has violated on a military installation a regulation of that installation
prohibiting conduct substantially similar to conduct that constitutes impaired
driving under G.S. 20-138.1 and, as a result of that violation, has had his or
her privilege to drive on that installation revoked or suspended after an
administrative hearing authorized by the commanding officer of the
installation and that commanding officer has general court martial
jurisdiction;

...

However, if the Division revokes without a preliminary hearing and the person whose license is
being revoked requests a hearing before the effective date of the revocation, the licensee retains
his or her license unless it is revoked under some other provision of the law, until the hearing is
held, the person withdraws his or her request, or he or she fails to appear at a scheduled hearing.

(b) Pending an appeal from a conviction of any violation of the motor vehicle laws of this
State, no driver's license shall be suspended by the Division of Motor Vehicles because of ~~such~~
the conviction or because of evidence of the commission of the offense for which the conviction
has been had.

(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



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

7 Schedule of Point Values

8 Passing stopped school bus 5
 9 Aggressive driving 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 Failure to yield right-of-way to pedestrian
 16 pursuant to G.S. 20-158(b)(2)b. 4
 17 Failure to yield right-of-way to bicycle,
 18 motor scooter, or motorcycle..... 4
 19 Running through stop sign 3
 20 Speeding in excess of 55 miles per hour 3
 21 Failing to yield right-of-way 3
 22 Running through red light 3
 23 No driver's license or license expired more than one year 3
 24 Failure to stop for siren 3
 25 Driving through safety zone 3
 26 No liability insurance 3
 27 Failure to report accident where such report is required 3
 28 Speeding in a school zone in excess of the posted school
 29 zone speed limit..... 3
 30 Failure to properly restrain a child in a restraint or seat belt..... 2
 31 All other moving violations..... 2
 32 Littering pursuant to G.S. 14-399 when the littering
 33 involves the use of a motor vehicle 1

34
 35 Schedule of Point Values for Violations While Operating a Commercial Motor
 36 Vehicle

37 Passing stopped school bus 8
 38 Rail-highway crossing violation..... 6
 39 Careless and reckless driving in violation of
 40 G.S. 20-140(f)..... 6
 41 Speeding in violation of G.S. 20-141(j3) 6
 42 Aggressive driving 6
 43 Reckless driving 5
 44 Hit and run, property damage only..... 5
 45 Following too close 5
 46 Driving on wrong side of road 5
 47 Illegal passing 5
 48 Failure to yield right-of-way to pedestrian
 49 pursuant to G.S. 20-158(b)(2)b. 5
 50 Failure to yield right-of-way to bicycle,
 51 motor scooter, or motorcycle..... 5

1 Running through stop sign 4
 2 Speeding in excess of 55 miles per hour 4
 3 Failing to yield right-of-way 4
 4 Running through red light 4
 5 No driver's license or license expired more than one year 4
 6 Failure to stop for siren 4
 7 Driving through safety zone 4
 8 No liability insurance 4
 9 Failure to report accident where such report is required 4
 10 Speeding in a school zone in excess of the posted school
 11 zone speed limit..... 4
 12 Possessing alcoholic beverages in the passenger area of
 13 a commercial motor vehicle 4
 14 All other moving violations..... 3
 15 Littering pursuant to G.S. 14-399 when the littering
 16 involves the use of a motor vehicle 1

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

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

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

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

42 Upon the restoration of the license or driving privilege of ~~such the~~ person whose license or
 43 driving privilege has been suspended or revoked because of conviction for a traffic offense, or
 44 upon completion of the driver retraining course established in accordance with subsection (d1)
 45 of this section within the 90-day presuspension notice period required under subsection (d) of
 46 this section, any points that might previously have been accumulated in the driver's record shall
 47 be cancelled.

48 Whenever any licensee accumulates as many as seven points or accumulates as many as four
 49 points during a three-year period immediately following reinstatement of his license after a
 50 period of suspension or revocation, the Division may request the licensee to attend a conference
 51 regarding ~~such the~~ licensee's driving record. The Division may also afford any licensee who has

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

7 ~~When a license is suspended under the point system provided for herein, the first such~~
8 ~~suspension shall be for not more than 60 days; the second such suspension shall not exceed six~~
9 ~~months and any subsequent suspension shall not exceed one year.~~ A license suspended pursuant
10 to subdivision (5), (9), (10), or (10a) of subsection (a) of this section shall be indefinite until the
11 person completes the driver retraining course established in accordance with subsection (d1) of
12 this section. If the licensee completes the driver retraining course within the 90-day
13 presuspension notice period required under subsection (d) of this section and no other provision
14 of law suspends or revokes the license, the Division shall cancel the suspension and the licensee
15 may retain the license. If the licensee completes the driver retraining course after the 90-day
16 presuspension notice period required under subsection (d) of this section and no other provision
17 of law suspends or revokes the license, the suspension shall be terminated and the licensee may
18 apply for restoration of the licensee's driving privilege.

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

22 In the discretion of the Division, a period of probation not to exceed one year may be
23 substituted for suspension or for any unexpired period of suspension under ~~subsections~~
24 ~~subdivisions~~ (a)(1) through (a)(10a) of this section. Any violation of probation during the
25 probation period shall result in a suspension for the unexpired remainder of the suspension
26 period. Any accumulation of three or more points under this subsection during a period of
27 probation shall constitute a violation of the condition of probation. For a license suspended
28 pursuant to subdivision (5), (9), (10), or (10a) of subsection (a) of this section, the Division may
29 not substitute a period of probation for suspension or for any unexpired period of suspension
30 before the licensee completes the driver retraining course established in accordance with
31 subsection (d1) of this section.

32 (d) Upon suspending the license of any person as authorized in this section, the Division
33 shall immediately notify the licensee in ~~writing and upon his request~~ writing. For a license
34 suspended pursuant to subdivision (5), (9), (10), or (10a) of subsection (a) of this section, the
35 effective date of the suspension shall be 90 days from the date set forth on the notice required
36 under this subsection. Upon a licensee's request, the Division shall afford him ~~the licensee~~ an
37 opportunity for a hearing, not to exceed 60 days after receipt of the request, unless a preliminary
38 hearing was held before his ~~the licensee's~~ license was suspended. Upon such ~~the~~ hearing the duly
39 authorized agents of the Division may administer oaths and may issue subpoenas for the
40 attendance of witnesses and the production of relevant books and papers and may require a
41 reexamination of the licensee. Upon such ~~the~~ hearing the Division shall either rescind its order
42 of suspension, or good cause appearing therefor, may extend the suspension of such ~~the~~ license.
43 Provided further upon such ~~the~~ hearing, preliminary or otherwise, involving subsections
44 subdivisions (a)(1) through (a)(10a) of this section, the Division may for good cause appearing
45 in its discretion substitute a period of probation not to exceed one year for the suspension or for
46 any unexpired period of suspension. For a license suspended pursuant to subdivision (5), (9),
47 (10), or (10a) of subsection (a) of this section, the Division may not substitute a period of
48 probation for suspension or for any unexpired period of suspension before the licensee completes
49 the driver retraining course established in accordance with subsection (d1) of this section.
50 Probation shall mean any written agreement between the suspended driver and a duly authorized
51 representative of the Division and ~~such~~ ~~the~~ period of probation shall not exceed one year, and

1 any violation of the probation agreement during the probation period shall result in a suspension
2 for the unexpired remainder of the suspension period. The authorized agents of the Division shall
3 have the same powers in connection with a preliminary hearing prior to suspension as this
4 subsection provided in connection with hearings held after suspension. These agents shall also
5 have the authority to take possession of a surrendered license on behalf of the Division if the
6 suspension is upheld and the licensee requests that the suspension begin immediately.

7 (d1) The Division shall establish and conduct, or utilize a third-party vendor to establish
8 and conduct, driver retraining courses for the benefit of persons who have had their licenses
9 suspended or been placed on probation, pursuant to subdivision (5), (9), (10), or (10a) of
10 subsection (a) of this section. If the Division utilizes a third-party vendor, the Division shall
11 maintain oversight of the driver retraining course established and conducted by the third-party
12 vendor. Except as otherwise provided in this subsection, each driver attending a driver retraining
13 course shall pay a fee in an amount set by the Division, not to exceed one hundred seventy-five
14 dollars (\$175.00) of which twenty-five dollars (\$25.00) shall be retained by the Division. Upon
15 request of the driver, the course provider shall waive the fee required under this subsection if the
16 driver provides documentation satisfactory to the course provider establishing that the driver
17 receives public assistance or has a prior judicial determination of indigence. Each driver attending
18 a driver retraining course shall do so in person, and the course may not be completed remotely.
19 The driver retraining course shall be at least eight hours in total duration and shall maintain a
20 student-to-instructor ratio deemed appropriate by the Division. The driver retraining course shall
21 be behavioral-based, interactive, and demonstrated scientifically to be associated with decreases
22 in traffic violations. The driver retraining course shall teach the driver that poor behavioral
23 choices made behind the wheel often result in unintended consequences and shall help the driver
24 understand the responsibility placed upon each driver to conform his or her behavior and conduct
25 for the benefit of the driver, other drivers, and pedestrians. The driver retraining course shall
26 include all of the following:

- 27 (1) An examination of the driver's own behavior in various driving situations to
28 help the driver understand the behavioral driving characteristics that have
29 resulted in the driver's poor driving record.
- 30 (2) Psychology-based principles or methodologies, as they relate to
31 behind-the-wheel driving behavior.
- 32 (3) An examination of why drivers do or do not choose to obey traffic laws, with
33 the primary focus on behaviors rather than excuses.
- 34 (4) A review of the four components of human behavior, doing, thinking, feeling,
35 and physiology, and the connection between the concepts of needs and wants
36 to behaviors and the human ability to choose behaviors.
- 37 (5) A consideration of additional problem driver behaviors, including all of the
38 following:
 - 39 a. Dangers associated with prescription and over-the-counter drugs.
 - 40 b. Dangers of driving at excessive speeds.
 - 41 c. Dangers of right-of-way violations.
 - 42 d. Dangers of distracted driving.
 - 43 e. Dangers of improper passing and following other vehicles too closely.
 - 44 f. Dangers of aggressive driving.
 - 45 g. Dangers of fatigued driving.

46 ...

47 ~~(e1) Notwithstanding any other provision of this Chapter, if the Division suspends the~~
48 ~~license of an operator pursuant to subdivisions (a)(9), (a)(10), or (a)(10a) of this section, upon~~
49 ~~the first suspension only, a district court judge may allow the licensee a limited driving privilege~~
50 ~~or license for a period not to exceed 12 months, provided he has not been convicted of any other~~
51 ~~motor vehicle moving violation within the previous 12 months. The limited driving privilege~~

1 shall be issued in the same manner and under the terms and conditions prescribed in
2 G.S. 20-16.1(b)(1), (2), (3), (4), and (5).

3"

4 **SECTION 1.(b)** G.S. 20-19 reads as rewritten:

5 **"§ 20-19. Period of suspension or revocation; conditions of restoration.**

6 (a) When a license is suspended under subdivision (8) ~~or (9)~~ of G.S. 20-16(a), the period
7 of suspension shall be in the discretion of the Division and for such time as it deems best for
8 public safety but shall not exceed six months.

9 ~~(b) When a license is suspended under subdivision (10) of G.S. 20-16(a), the period of~~
10 ~~suspension shall be in the discretion of the Division and for such time as it deems best for public~~
11 ~~safety but shall not exceed a period of 12 months.~~

12"

13 **SECTION 2.** Section 1 of this act becomes effective July 1, 2019, and applies to
14 licenses suspended on or after that date. The remainder of this act is effective when it becomes
15 law.