

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

S

1

SENATE BILL 467

Short Title: NCDL Suspension for Speed.

(Public)

Sponsors: Senator Ballance.

Referred to: Judiciary I.

March 8, 1993

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE SPEEDS UPON WHICH THE DIVISION OF MOTOR VEHICLES' LICENSE SUSPENSION AUTHORITY IS BASED.

The General Assembly of North Carolina enacts:

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

"(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:

(1) to (4) Repealed by Session Laws 1979, c. 36;

(5) Has, under the provisions of subsection (c) of this section, within a three-year period, accumulated 12 or more points, or eight or more points in the three-year period immediately following the reinstatement of a license which has been suspended or revoked because of a conviction for one or more traffic offenses;

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

(7) Has committed an offense in another state, which if committed in this State would be grounds for suspension or revocation;

(8) Has been convicted of illegal transportation of alcoholic beverages;

(8a) Has been convicted of impaired instruction under G.S. 20-12.1;

(8b) Has violated on a military installation a regulation of that installation prohibiting conduct substantially equivalent to conduct that constitutes impaired driving under G.S. 20-138.1 and, as a result of that violation,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

- 1 has had his privilege to drive on that installation revoked or suspended  
2 after an administrative hearing authorized by the commanding officer  
3 of the installation and that commanding officer has general court  
4 martial jurisdiction;
- 5 (9) Has, within a period of 12 months, been convicted of two or more  
6 charges of speeding in excess of 55 and not more than ~~80-85~~ miles per  
7 hour, or of one or more charges of reckless driving and one or more  
8 charges of speeding in excess of 55 and not more than ~~80-85~~ miles per  
9 hour;
- 10 (10) Has been convicted of operating a motor vehicle at a speed in excess  
11 of ~~75-85~~ miles per hour on a public road or highway where the  
12 maximum speed is less than 70 miles per hour;
- 13 (10a) Has been convicted of operating a motor vehicle at a speed in excess  
14 of ~~80-85~~ miles per hour on a public highway where the maximum  
15 speed is 70 miles per hour; or
- 16 (11) Has been sentenced by a court of record and all or a part of the  
17 sentence has been suspended and a condition of suspension of the  
18 sentence is that the operator not operate a motor vehicle for a period of  
19 time.
- 20 However, if the Division revokes without a preliminary hearing and the person whose  
21 license is being revoked requests a hearing before the effective date of the revocation,  
22 the licensee retains his license unless it is revoked under some other provision of the  
23 law, until the hearing is held, the person withdraws his request, or he fails to appear at a  
24 scheduled hearing."
- 25 Sec. 2. This act is effective upon ratification.