

NORTH CAROLINA GENERAL ASSEMBLY
1973 SESSION

CHAPTER 736
HOUSE BILL 1327

AN ACT TO PROVIDE FOR RECIPROCAL AGREEMENTS WITH OTHER STATES AS
ISSUANCE OF CITATIONS TO NON- RESIDENTS.

The General Assembly of North Carolina enacts:

Section 1. Chapter 20 of the General Statutes is hereby amended by adding a new Article to be designated "Article 1B" and to read as follows:

"ARTICLE 1B.

"Reciprocal Provisions as to Arrest of Non-Residents.

"§ 20-4.13. **Definitions.** — Unless the context otherwise requires, the following words and phrases, for the purpose of this Article, shall have the following meanings:

- (a) State. The State of North Carolina.
- (b) Reciprocating State. Any state or other jurisdiction which extends by its laws to residents of North Carolina substantially the rights and privileges provided by this Article.
- (c) Citation. Any citation, summons, ticket, or other document issued by a law enforcement officer for the violation of a traffic law, ordinance, rule or regulation.
- (d) License. Any operator's or chauffeur's license or any other license, permit, or privilege to operate a motor vehicle.
- (e) Collateral or Bond. Any cash or other security deposited to secure an appearance following a citation by a law enforcement officer.
- (f) Personal Recognizance. A signed agreement by a non-resident that he will comply with the terms of the citation issued to him.
- (g) Non-resident. A person who is a resident of or holds a license issued by a reciprocating state.

"§ 20-4.14. **Issuance of citation to non-resident; officer to report noncompliance.** — (a) Notwithstanding other provisions of this Chapter, a law enforcement officer observing a violation of this Chapter or other traffic regulation by a non-resident shall issue a citation as appropriate and shall not, subject to the provisions of subsection (b) of this section require such non-resident to post collateral or bond to secure appearance for trial, but shall accept such non-resident's personal recognizance; provided, however, that the non-resident shall have the right upon request to post collateral or bond in a manner provided by law and in such case the provisions of this Article shall not apply.

(b) No non-resident shall be entitled to be released on his personal recognizance if the offense is one which would result in the suspension or revocation of a person's license under the laws of this State.

(c) Upon the failure of the non-resident to comply with the citation, the law enforcement officer shall obtain a warrant for his arrest and shall report the noncompliance to the Department. The report of noncompliance shall clearly identify the non-resident; describe the violation, specifying the section of the statute, code, or ordinance violated; indicate the location and date of offense; identify the vehicle involved; bear the signature of the law enforcement officer; and contain a copy of the personal recognizance signed by the non-resident.

"§ 20-4.15. Department to transmit report to reciprocating state; suspension of license for noncompliance with citation issued by reciprocating state. — (a) Upon receipt of a report of noncompliance, the Department shall transmit a certified copy of such report to the official in charge of the issuance of licenses in the reciprocating state in which the non-resident resides or by which he is licensed.

(b) When the licensing authority of a reciprocating state reports that a person holding a North Carolina license has failed to comply with a citation issued in such state, the Commissioner shall forthwith suspend such person's license. The order of suspension shall indicate the reason for the order, and shall notify the person that his license shall remain suspended until he has furnished evidence satisfactory to the Commissioner that he has complied with the terms of the citation which was the basis for the suspension order by appearing before the tribunal to which he was cited and complying with any order entered by said tribunal.

(c) A copy of any suspension order issued hereunder shall be furnished to the licensing authority of the reciprocating state.

(d) The Commissioner shall maintain a current listing of reciprocating states hereunder. Such lists shall from time to time be disseminated among the appropriate departments, divisions, bureaus, and agencies of this State; the principal law enforcement officers of the several counties, cities, and towns of this State; and the licensing authorities in reciprocating states.

(e) The Commissioner shall have the authority to execute or make agreements, arrangements, or declarations to carry out the provisions of this Article."

Sec. 2. This act shall become effective upon ratification.

In the General Assembly read three times and ratified, this the 23rd day of May, 1973.