

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 301
Judiciary I (Civil) Committee Substitute Adopted 5/22/07
House Committee Substitute Favorable 7/28/07

Short Title: Expunge DWI Civil Revocation.

(Public)

Sponsors:

Referred to:

February 22, 2007

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT RECORDS OF A CIVIL REVOCATION OF DRIVERS LICENSES SHALL BE EXPUNGED FROM AN INDIVIDUAL'S DRIVING RECORD IF THE UNDERLYING CRIMINAL CHARGE IS EXPUNGED PURSUANT TO ARTICLE 5 OF CHAPTER 15A OF THE GENERAL STATUTES.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 15A-145(c) reads as rewritten:

"(c) The court shall also order that the said misdemeanor ~~conviction~~ conviction, or a civil revocation of a drivers license as the result of a criminal charge, be expunged from the records of the court, and direct all law-enforcement ~~agencies~~ agencies, including the Division of Motor Vehicles, bearing record of the same to expunge their records of the ~~conviction~~ conviction or a civil revocation of a drivers license as the result of a criminal charge. This subsection does not apply to civil or criminal charges based upon the civil revocation, or to civil revocations under G.S. 20-16.2. The clerk shall forward a certified copy of the order to the sheriff, chief of police, or other arresting agency. The clerk shall forward a certified copy of the order to the Division of Motor Vehicles for the expunction of a civil revocation provided the underlying criminal charge is also expunged. The civil revocation of a drivers license shall not be expunged prior to a final disposition of any pending civil or criminal charge based upon the civil revocation. The sheriff, chief or head of such other arresting agency shall then transmit the copy of the order with a form supplied by the State Bureau of Investigation to the State Bureau of Investigation, and the State Bureau of Investigation shall forward the order to the Federal Bureau of Investigation."

SECTION 2. G.S. 15A-146(b) reads as rewritten:

"(b) The court may also order that the said ~~entries~~ entries, including civil revocations of drivers licenses as a result of the underlying charge, shall be expunged from the records of the court, and direct all law-enforcement ~~agencies~~ agencies,

1 including the Division of Motor Vehicles, bearing record of the same to expunge their
2 records of the ~~entries~~-entries, including civil revocations of drivers licenses as a result of
3 the underlying charge being expunged. This subsection does not apply to civil or
4 criminal charges based upon the civil revocation, or to civil revocations under
5 G.S. 20-16.2. The clerk shall forward a certified copy of the order to the sheriff, chief of
6 police, or other arresting agency. The clerk shall forward a certified copy of the order to
7 the Division of Motor Vehicles for the expunction of a civil revocation provided the
8 underlying criminal charge is also expunged. The civil revocation of a drivers license
9 shall not be expunged prior to a final disposition of any pending civil or criminal charge
10 based upon the civil revocation. The sheriff, chief or head of such other arresting agency
11 shall then transmit the copy of the order with the form supplied by the State Bureau of
12 Investigation to the State Bureau of Investigation, and the State Bureau of Investigation
13 shall forward the order to the Federal Bureau of Investigation. The costs of expunging
14 these records shall not be taxed against the petitioner."

15 **SECTION 3.** The Administrative Office of the Courts, in consultation with
16 the Division of Motor Vehicles, shall develop a system for making a good faith effort to
17 review expungement records, for those offenses expunged pursuant to G.S. 15A-145 and
18 G.S. 15A-146 prior to October 1, 2007, to determine if an expunged offense resulted in
19 a civil revocation. For any expunged offenses that resulted in a civil revocation, the
20 civil revocation shall be reviewed to determine if it should be expunged pursuant to
21 Section 1 or 2 of this act. If the Administrative Office of the Courts determines that a
22 civil revocation should be expunged, it shall expunge the civil revocation from the
23 records of the court and shall notify the Division of Motor Vehicles to expunge any
24 record of the civil revocation.

25 **SECTION 4.** Sections 1 and 2 of this act become effective October 1, 2007.
26 The remainder of this act is effective when it becomes law.