

GENERAL ASSEMBLY OF NORTH CAROLINA
1989 SESSION

CHAPTER 1065
HOUSE BILL 2349

AN ACT TO CREATE AN INTERAGENCY TASK FORCE TO REVIEW THE
DESIRABILITY OF ESTABLISHING A STATEWIDE DEFENSIVE DRIVING-
CITATION DISMISSAL PROGRAM.

Whereas, the practice of dismissing minor traffic citations upon completion of a "Defensive Driving Course" has been developed in at least six prosecutorial districts, but is not available to most citizens of this State who are charged with minor traffic offenses; and

Whereas, the effects of such a program if implemented statewide are significant, and include the loss of substantial amounts of State and local government revenue; a potentially devastating morale problem among law enforcement officers whose charges are dismissed without review by prosecutors; unequal treatment of citizens of North Carolina charged with traffic offenses due to the lack of any statewide, uniform guidelines for determining curriculum, fees or eligibility; and

Whereas, the effects on vehicle insurance premiums and drivers license enforcement efforts, as well as other unintended effects of such a program need to be reviewed before it is established as an option to disposing of minor traffic charges in the courts; and

Whereas, the study of such a program can be accomplished without the appropriation of any additional funds by using the expertise of the agencies potentially affected by such a program; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. There is created the Interagency Defensive Driving-Citation Dismissal Task Force to be composed of representatives of the following agencies: the State Highway Patrol, the Department of Crime Control and Public Safety, the Department of Justice, the Conference of District Attorneys, the Division of Motor Vehicles, the Governor's Highway Safety Program, the Department of Insurance, the Administrative Office of the Courts, the Department of Community Colleges, and the Injury Control Section of the Department of Environment, Health, and Natural Resources. Any agency's expenses as a result of participation in the Task Force shall be paid from funds appropriated to the agency. The North Carolina Safety and Health Council shall be invited to attend and participate in meetings of the Task Force, but any expenses incurred by the Council are the Council's responsibility.

Sec. 2. The Task Force shall review the legality, desirability and feasibility of the establishment on a statewide basis of a Defensive Driving-Citation Dismissal

Program, and report its findings to the General Assembly by March 1, 1991. If the Task Force determines that such a program is lawful, desirable, and feasible, the Task Force shall include in its report proposed legislation to implement the program. The legislation shall address the issue of whether the program should be implemented on a statewide or district-by-district basis, as well as the issue of a standard curriculum, fees, eligibility, record keeping and any other matter that it deems desirable. If the Task Force determines that such a program is not lawful, or is undesirable or unfeasible, it shall report that finding, along with any recommended legislation needed to implement its recommendation to the General Assembly.

Sec. 3. Pending the completion of the Task Force's review, it is the intent of the General Assembly that no new program be established in any judicial district.

Sec. 4. This act is effective upon ratification.

In the General Assembly read three times and ratified this the 28th day of July, 1990.